

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

FILED

OCT 15 2024

RUSSELL SCOTT ADAMS

Plaintiff,

v.

JESSE BALDWIN, PRMC SUPERINTENDANT,  
UNKNOWN HOSPITAL BOARD MEMBER #1,  
UNKNOWN HOSPITAL BOARD MEMBER #2,  
UNKNOWN HOSPITAL BOARD MEMBER #3,  
UNKNOWN HOSPITAL BOARD MEMBER #4,  
REX EMERSON, SUSAN HARRIS, SCOTT MONROE,  
BUSTER BALDWIN, ALLISON BAKER,  
JESSE BALDWIN, KRIS KELLER, EVIN ANDERSON,  
AUSTIN BEAT, JESSICA ADAMS,  
ELIZABETH SMITH, HEATHER STABBINS,  
JACQUELINE DOWDY, ANITA VAN KLAVEREN,  
NUVIA CRUGES, SHELLEY PARKER, ANA KELLER,  
J. GONZALEZ, HOLLIE MOUSER, TERRY RANEY,  
BRIAN DUBY, DIANE RODRIGUEZ,  
ROLANDO VALVERDE, JANICE SMITH,  
NATASHA VALDEZ, RHIANA SOLIS,  
REBECCA BOLLIN, KERRVILLE POLICE CHIEF,  
KERR COUNTY COMMISSIONER,  
NURSE SHANE, UNKNOWN PRMC NURSE #1,  
UNKNOWN PRMC STAFF #1,  
UNKNOWN PRMC STAFF #2,  
UNKNOWN PRMC STAFF #3,  
UNKNOWN PRMC STAFF #4,  
UNKNOWN PRMC STAFF #5,  
PETERSON REGIONAL MEDICAL CENTER,  
KERRVILLE POLICE DEPARTMENT,  
KERR COUNTY, KERR COUNTY HOSPITAL DISTRICT,  
BRETT FERGUSON, WESTON EISMAN,

in their official, individual, corporate, and municipal capacities,

Defendants.

U.S.C. §1983 COMPLAINT

SUMMARY

1. June 11, 2016, Peterson Regional Medical Center (herein PRMC) had the plaintiff arrested because he placed videos (of staff attempting to seize him and using intimidation tactics to accomplish their goal) online to bring awareness. The attempted seizure was part of a fraud scheme that was done to prolong his stay at the hospital to bill

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY *[Signature]*

DEPUTY CLERK

CIVIL ACTION NO.  
**SA24CA1190 OG**

Judge

the Federal and State governments through their medicare and medicaid programs for services under the fraudulent declaration of required emergency services. The video was posted the previous year but the hospital district had ordered the hospital employees to arrest the plaintiff if he returns to the Emergency room. After the June 11th seizure Officer Jesse Baldwin (herein Jesse) used excessive force and the Kerrville police department and Kerr County Court at law attempted to conceal the actions of the former commissioner's son(Jesse) by denying the plaintiff's due process and filing two judgments of conviction, fees, fines, court costs, and attorney fees without any trial or even an arraignment. The Kerr County Attorney intentionally withheld dismissal for 6 years to prevent this litigation and suit.

#### JURISDICTION

2. This action is brought pursuant to 42 U.S.C. §§1983, 1988, and the First, Fourth, Fourteenth amendments of the Constitution of the United States.
3. This court has subject matter jurisdiction of the action under 28 U.S.C. §121, and 1343.

#### PIRA INAPPLICABILITY

4. Since the plaintiff is incarcerated but the claims are for incidents prior to and not involving his incarceration or the conditions of confinement certain PIRA requirements may apply and certain requirements do not apply suchas limitations on attorney fees which is governed by 42 U.S.C. § 1988(b) and payment of filing fees.

#### STATUTE OF LIMITATIONS TOLLING

5. CR16-0666 and CR16-0667 were dismissed on December 13, 2022 and this counts as a favorable termination under Thompson v. Clark. However, The plaintiff believed he was still Heck barred from this suit because Jackline Dowdy (here in JD) and Weston Eismann worked in concertto intentionally and maliciously withhold notice of the dismissals until themiddle of July of 2023. This was done to disrupt and prevent the plaintiff from filing the instant §1983 complaint. This withholding by the Kerr County Clerk(JD) and his public defender cut valuable research time for the pro se

plaintiff (with no legal experience) by more than 7 months. This is a complex case involving many defendants and some unknown defendants. Texas law prevents extensions to serve unknown defendants unless due diligence is used prior to the statute of limitations expiring. In order to fairly seek remedy the plaintiff requests this court grant him the complete statute of limitation allotment and allow seven months of tolling until July 14th 2025, so that he can complete discovery against the known defendants to acquire the unknown defendants names and addresses, to serve them within the required window.

#### PARTIES

#### PLAINTIFF

6. The plaintiff, Russell Scott Adams, founder of Stationia.com and youtube.com/Stationia placed videos at youtube which were always intended to be linked with a news story on the Stationia.com website. The videos were of public importance and involved the Kerrville Police Department, the Kerr County Sheriff's department, and PRMC violating constitutional rights and police and public policy. Stories on Stationia included that the Kerr County Sheriff at the time Rusty Heirholtzer blurred the racial lines of Kerrville declaring incorrectly on Federal applications that the Kerr County Sheriff's Department had only pulled over a literal few african americans in order to bypass some of the requirements of Federal funding. One of the requirements of federal law was that if there are a certain number of african americans stops and arrests by the department then that department must have 24 hour video surveillance running in all of its arresting vehicles.; Another story was that Kerrville had been oppressing its lower income communities, largely consisting of minorities, by actively preventing public transportation. Kerrville would not create or maintain a city bus line; Another story written and ran by the plaintiff and hosted at Stationia was written to promote labor pickup locations which was a practice that had been bullied out of existence by the Kerrville police department and sherrif's department with constant harrasment to people intent on finding work. They used the exceptions of a few bad apples to oppress an entire class of desparate people looking for day labor.;

Another story was about how the Kerrville law enforcement community hunted and gunned down Michael Lynch who was not a threat and was on deferred adjudication probation. The story revolved around the other actions that could have been taken instead of hunting him down and killing him for driving through town.

7. The plaintiff is incarcerated at Alfred D. Hughes Unit in Gatesville Texas after being revoked of deferred adjudication in part for the illegal seizures herein. Prior to revocation September 26, 2016 he had never been convicted of a crime but had had two different dismissals which were falsely charged as retaliation by local law enforcement for running his news stories. He was not part of any party and began writing news stories because of his own experiences with the crooked law enforcement community and court system in Kerrville, trying to make a difference.

#### DEFENDANTS

8. The following defendants at all times acted under color of law.
9. Kerr County is sued as a person and municipality. It is believed that all of the defendants lived and worked within Kerr County.
10. Peterson Regional Medical Center(herein PRMC) is a corporation and is being sued as a person and a corporation.
11. The Kerrville Police Department is being sued as a municipality and a person.
12. Judge Rex Emerson of the 198th District Court was Judge at all times.
13. Judge Susan Harris of the Kerr County Court at Law was Judge at all times.
14. Buster Baldwin was Kerr County commissioner until 2015, he is sued as a person acting under the color of law at the behest of Jesse Baldwin, his son, for his benefit. He used other state actors including Jacqueline Dowdy, to protect his sons reputation.
15. Jesse Baldwin, Kris Keller, J. Gonzalez, Austin Beal, each were employed at the Kerrville Police Department at all times.
16. Allison Baker was the Records Supervisor of the criminal records division at all times.
17. Heather Stebbins was the Kerr County Attorney at all times.

18. Anita Van Klaveren, Nuvia Cruces, Shelley Parker, Ana Keller, Hollie Mouser, Terry Raney, Brian Duby, Diane Rodriguez, Rolando Valverde, Janice Smith, Natasha Valdez, Rhiana Solis were each clerks working as deputy clerks at the Kerr County Court at law at all times.
19. PRMC Superintendant, Unknown Hospital Board member #1-#4, Unknown PRMC Staff #1-#5, Unknown PRMC Nurse #1, Nurse Shane, Jessica Adams, and Elizabeth Smith were employed by PRMC at all times.
20. Brett Ferguson represented the plaintiff as his original counsel on cases CR16-0666 and CR16-0667 at the Kerr County Court at law. He represented the plaintiff from 2016 until his conflicts of interests were exposed. At which point he withdrew, reluctantly. He was under color of law and worked in concert with Buster Baldwin, Jackline Dowdy at all times within Kerr County.
21. Weston Eismann was the plaintiff's final public defender for CR16-0666 and CR16-0667 in the Kerr County Court at law. He was under the color of law working in concert with Jackline Dowdy and Buster Baldwin.
22. Jackline Dowdy was a legal assistant in the Kerr County Prosecutor's office until 2017 working with Heather Stebbing. Later she became the Kerr County Clerk in 2018. She replaced Rebecca Bolin.
23. Rebecca Bolin was the Kerr County Clerk until Jackline Dowdy took the office.
24. Nurse Shane and the Unknown Staff #1 - #5 are the individuals dressed in hospital uniforms and scrubs in the videos produced by Kris Keller and Jesse Baldwin and also in the surveillance videos of the Emergency Room lobby that was taken on June 11 and subpoenaed. This video was obtained from Barbara Stehling of the Quality control at PRMC. The true identities must be obtained in discovery.
25. The Kerrville Police Chief was at all times the police chief of the Kerrville Police. The Kerr County Commissioner in 2016 and 2017 was at all times acting Kerr County Commissioner.
26. Irvin Anderson was an off duty border patrol agent at all times no relationships are known about him because despite his use of force in the video he failed to provide a statement.

27. Scott Monroe was at all times the District Attorney for the 198th District Court.

28. The Kerr County hospital District is the hospital district of the Peterson Regional Memorial Medical Center.

JURY TRIAL.

The plaintiff requests a jury trial.

ADMINISTRATIVE REMEDY

The plaintiff did not exhaust administrative remedy inside of the prison because all of the events giving rise to the claim are for things that happened ~~before and~~ outside of the context of the prison and were not attacking the conditions of his confinement.

TERMS

"including conspiracies jointly" includes one or more conspiracies between any number of defendants up to and including all of the defendants in the group specified. A conspiracy involving a defendant does not preclude his or her participation in another conspiracy.

## FACTS

29. - The claims arise at Peterson Memorial Hospital between 5:00 pm and 8:00 pm on June 11th 2016. Jesse Baldwin (herein Jesse) illegally seized the plaintiff for posting videos on YouTube.com/Station1a, near the entrance to the emergency room lobby. Afterward, he used excessive force injuring the plaintiff. Then, he violated the plaintiff's constitutional rights further through a series of events including fabricating police reports and probable cause affidavits, intentionally excluding exculpable statements, conspiracy, destroying video on the plaintiff's cell phone, malicious prosecution, illegal convictions without trial (which were entered by a legal assistant for the prosecutor) and more.

30. - There is a myriad of defendants: The father of Jesse, Buster Baldwin (herein Buster) had the incentive and connection to convince Jacqueline "JD" Dowdy (herein JD), to use her position and computer access to file plea bargains, unseen by the plaintiff, as if they had already been ruled upon by a judge, carrying conviction, sentence, fees, and fines. The Kerr County Hospital Board which instituted a seek and destroy policy resulting in arrest and destruction of the plaintiff's video; and more.

31. - All of the claims within would have proved the plaintiff was innocent of CR16-0666 and CR16-0667 at the Kerr County Court at law. But, on December 13, 2022 his claims began to accrue when the county attorney Heater Stebbins dismissed both charges.

32. - Plaintiff was arrested on June 11, 2016 and was taken to Kerr County jail where he bonded out on the 12th. On 6/21/2016, he was arrested by surrender for probation violations related to these charges and his bond was revoked until 7/21/2016; when he was released and returned to bond for each charge and PR bond for the violations. On 7/19/2016 a complaint and information were filed beginning process for each misdemeanor charge. The District Attorney of the 198th Scott Monroe amended his motion to proceed to include technical violations of failure to pay around \$1000,000 in fees. On 9/26/2016 a motion to revoke hearing was held based on the amended motion to proceed.

33. Findings of true were found by Judge Emerson for failure to pay \$18.00 for a urinalysis; failure to pay \$30.00 per month for July, August, November, December, of 2014; January through December of 2015; and then \$60.00 per month for February, March, April, May, and June of 2016; and offenses against the State of Texas for resisting arrest, interfere with a police officers duties, Assault on a Police officer, and facilitating an Escape; in B1475 and B1476. On 9/27/2016. bond was taken away and the plaintiff remains incarcerated for the sentences for the felonies because of the totality of the violations.

34. Therefore, when this court finds all claims beyond a preponderance of the evidence the probation judgement in B1475 and B1476 will not be called into question, as a matter of law.

35. Many false entries were entered into the records of CR16-0665 and CR16-0667. These were put into the case registers and summaries and propagated to the law enforcement authorities and the news papers. Both of these records are the official electronic filing systems for the cases and were public. Once these records were entered falsely, the court and its personnel in concert, intentionally and maliciously acted as if the entries were real in fact and were supported by live, real and actual events. Even though, in reality, there was no legal, factual, or even a good faith reason for the records to exist. Arraignment was also entered for both as if it had happened on 10/02/2016. This did not happen and was not waived. As proof in 2019 as Kerr County Clerk JD attempted to get a waiver of arraignment from the plaintiff for both causes. he declined and instead saved her three year late requests.

#### UNDER THE TABLE CONVICTIONS

36. Jesse made an illegal arrest and excessive force and met with Buster, his dad. Buster had been the Kerr County Commissioner for years and because of that he actually had real influence to help with officials. Jesse used his father to use his connections to prevent publicity and make his malevolent actions disappear.

Buster could help Jesse out of almost any situation that would affect his future career in Kerrville. Jesse wanted to be the king of the county eventually just like Buster. Jesse's family is all through law enforcement and the judicial branch. They are lawyers, jailers, public employees. Buster was known for actively participating in political campaigns because of his notoriety. One such campaign was in 2019 as he promoted Eli Garcia while still calling himself the commissioner in a Kerrville Daily Times article.

37. Jesse explained to Buster that when the surveillance video comes out that it will show him coming from behind and using force against the plaintiff trying to topple him in a running pit maneuver and that he did not declare he was police. It would also show him linebackering an unarmed, non-threatening, non-fleeing, surrendered plaintiff through the metal and glass double doors at the ER entrance while his hands were raised after he had obeyed his order to stop. Jesse asked Buster for help to make the problem go away quietly by helping to conceal everything not in his reports made up narrative. Buster looked up the plaintiff and told Jesse not to worry because he could use his influence to push the motion to revoke, (herein MIR) back after hours so it will go publicly unnoticed and once the plaintiff is on the hook for his felonies ~~then~~ he'll plead guilty to the two misdemeanors which would run concurrent. he assured Jesse that the cases would have convictions without a public trial no matter what.

38. Buster was true to this objective and the MIR was pushed back until the very last hearing after hours even though it was scheduled to be held at 1:30 pm. It happened with the buildings lights out (except for the courtroom) with the sun setting on the outside and the court room was empty (except for court personnel and the witnesses and parties). Buster's influence had no affect on the effect of the MIR or sentencing hearing, or judgement of B1475 and B1476 in the 198th. But, he had considerable control over the convictions, sentences, fines, fees, and other costs in CR16-0666 and CR16-0667 in the Kerr County Court at law. ~~he would ultimately contact and convince JP that she should go to a computer and enter in credentials then interface the records and enter in a plea bargain~~

conviction, sentence fees and fines and all of the information it entails as if it had been entered, ordered and adjudged by Judge Harris, the presiding Judge. She did this on 12/15/2016 as ordered by Buster.

39. Entering orders and judgments is not a duty of a legal assistant to the prosecutor as set out by Texas law. It is the role of a court clerk. On the 19th of December JD would step outside of her role as a prosecutorial legal assistant once more because in her nervous haste on the 15th she forgot to sentence the fines and everything had to look official or the plaintiff would get a public trial. Discovery will reveal JD was the user that entered the convictions either through her own account or access that was given to her by another.

The transaction list from CR16-0667 is attached. ~~JD is the user that was given to her by another~~

40. Buster had contacted JD because Brett Ferguson (herein Ferguson) had informed him that the plaintiff would not take a plea for any amount or under any circumstances and had insisted on a very public trial. Ferguson was appointed as counsel to the plaintiff. All these conversations happened either by phone, in person, or by text or email after the plaintiff denied a plea in Kerr County jail when Ferguson did an attorney visit there to make the offer.

41. Buster had a running relationship with Ferguson and he had an employment interest, financial interest with Buster. Because, in term, the Texas Code of Criminal procedure 1.054 gives the Commissioner's Court control over paying indigent counsel. The court ~~the previous year~~ was overseen by Buster. When Ferguson contacted Buster; she explained how the plaintiff had told him that he would win at trial based on the surveillance video which contradicts all of Jesse's reports. Buster told Ferguson he would call him later and then called JD to tell her to file and conceal the two convictions.

41. Buster knew JD and convinced her that he had considerable influence over the next Kerr County Clerk election and could help her to get elected to the Kerr County Clerk position. She would first have to prove her loyalty to him by using her internal position and the policy of Kerr County that allows a prosecutor

legal assistant to enter a final judgement. Buster told her that she must make sure notice is not given to the plaintiff and that all of the clerks and Ferguson must conceal her as the filer because every other defendant would have a right to trial and notice. The following year JD was elected as Kerr County Clerk because of Buster's influence. Discovery will be necessary to discover how this happened and Buster's role. Which, could have been a campaign donor or campaign helper overtly or covertly. Or, it could even be more sinister in line with election fraud.

42. The judgement of conviction was so convincingly entered that it passed Judge Harris's scrutiny before she charged the plaintiff with attorney fees for Ferguson's appointment. This order was dependant upon an actual conviction and is important to this suit because it is proof that the conviction entered was real. Post-conviction fees such as attorney fees are covered under the Texas Code of Criminal Procedure ch. 102.11 and the term "cost" is covered by the Texas Rules of Civil Procedure 145(c). Texas law also makes it the duty of the Judge to inspect a judgement entered by a clerk.
43. The plaintiff did not receive notice of the judgement of conviction, a sentencing order, or notice of the subsequent judgement of attorneys fees made by Judge Harris on 1/3/2017, from Rebecca Bolin or any other defendant clerk or deputy clerk on her behalf. This is because JD told Terry Raney in person that the plaintiff will appeal, file for new trial, file an 11.07 or a 2254 if he finds out about the illegal conviction. And that she will look out for Terry and the other Clerks and Deputy clerk defendants when she is the Kerr County Clerk if they protect her as the filer of the convictions and conceal all notice to the plaintiff in order to prevent him attacking the conviction. Terry Raney agreed and followed. Rebecca Bolin told Terry later that she agreed to stay out of the way because Buster had taken care of her. But, even by her abstention she denied proper service and notice to the plaintiff.

44. Every clerk and deputy clerk defendant met with Terry Raney in person and agreed to keep evidence of the conviction and sentence out of the defendants hands. Over the next 8 years they were true to this agreement. Even upon direct requests for the filer and for information about how the convictions happened from the plaintiff in his letters. One after another. They would go completely unanswered.

45. The public nature of the convictions sentences, fees, and fines charged had only been told to the plaintiff as information which would be entered if the plea were taken and is not binding unless the pleas were taken. But, by the time the plaintiff saw the plea on the 21st of December 2016 it had already been entered by JD.

46. Before 2017 the plaintiff had no idea that the world presumed that he was guilty of the charges. Each clerk and deputy clerk defendant hadn't sent notice. And, in not doing so they prevented all remedy and over turning as the disposition still showed conviction. Their constructive denial of remedy was the proximate cause of the record remaining a public conviction. So, they falsely informed his family and friends that he had committed the now dismissed offenses and that he pled guilty in a judicial confession. The window for new trial had closed and so had the appeal window. The limitation on his 2254 had almost run out preventing any viable time to get his case and client file, research, and then file his 11.07 to exhaust state remedies. Essentially, his post-conviction remedy had been reduced to only a year late 11.07 habeas by that time. There is no doubt an 11.07 would reverse an illegal conviction, but the plaintiff would have had to prove that he were confined and since they had given him time served, and not time to be served, he wasn't technically illegally confined, at the time.

47. Two deputy clerks did even more than manipulate records to prevent 11.07 by concealing notice from him and not explaining why he was charged fines, fees, and post-conviction costs in light of the obvious word "convicted" showing like a neon light in the online records. Brian Duby and Terry Raney also sent fictitious review hearing notices to plaintiff's TDCJ facility. Brians was dated 3/28/2017

and Terry's was dated 7/25/2017. Both of these, much like the fictitious "Arraignment" entry existed on the records for years. Unlike the arraignment record in 2019, the fictitious review hearings vanished without a trace. This is due to many letters filed by the plaintiff and his special plea of double jeopardy bringing light to the records he had eventually found. The purpose of the fictitious hearings was to placate the plaintiff into believing no convictions had been entered and that he was awaiting his day in court like any other person would be waiting had their constitutional rights not been stripped away by an ex-commissioner.

48. The plaintiff filed a special plea of former jeopardy because it was apparent from the record that a conviction had happened in each case and that further prosecution was imminent because review hearings were happening and other pretrial common occurrences. His special plea detailed that fines, fees, and jail time along with court costs had been charged against him. In CR16-0666 \$287.00 was charged on 12/15/2016, and \$910.00 in attorney fees 1/3/2017. For CR16-0667 \$287.00 was charged 12/15/2016, and \$500.00 in fines was added 12/19/2016. Each judgment entered required 116 days of jail time and gave credit for 115 days of jail time. These numbers are identical to the numbers on the pleas sent to the plaintiff by Ferguson on the 21st of December 2016.

49. All adding of fictitious records and all record changes to CR16-0666 and CR16-0667 that were material and where notice was not sent have an adverse inference related to the purpose of the records because many material changes happened related to unallowed and missed proceedings which appeared and would later vanish without a bench warrant or attorney contact. Both of which were requested by the plaintiff in letters before the hearings were scheduled to take place.

50. These hearings appeared while there was a public conviction apparent from the records as the deposition of the cases. When a case is referenced or accessed by a clerk or deputy clerk on the information system it shows the disposition of the case next to the case number and cannot be missed unless that part of the monitor is covered or the user's eyes are closed. While seeing "convicted" Brian Duby and Terry

Terry Raney sent the "Review Hearing" notices and said nothing of the disposition.

51. While seeing "convicted" JD entered the fines and forwarded the plea to Ferguson. And, Ferguson saw "convicted" as he accessed the cases before he forwarded the plea on the 21st to the plaintiff.

52. Every clerk and deputy clerk who accessed the cases on the information system would see the fines, fees, fees, court costs and attorney fees and would know or should know that this must be a conviction even after the word "convicted" was removed without notice for each case. Each transaction list is unique to the case in the information system. Therefore, all charges charged in the case were for that case. The charge amounts in these cases are out of the ordinary for a case that has no conviction. The fees are much greater than standard filing fees. This difference would be obvious for a clerk or deputy clerk dealing with these records day in and day out. These post-conviction costs being added onto a clerk, would be as obvious as a farmer looking at a cob of corn and perceiving that it either has corn on it or it does not.

53. As of this claim, because the time served and all of the transaction assessments are still apparent in the record the conviction still exists in the minds of the public despite the word "convicted" being removed or the dismissal as a matter of law. The liberty risk involved is a Fourteenth amendment violation. There is also a property risk and a separate liberty risk for the time served, the fines, the court fees, and attorney costs.

54. All of the communications between the parties can be inferred by the completed objectives. They will also be proved through depositions of witnesses and defendants who wish to contact the plaintiff or crossclaim against other defendants. Interrogatories will also reveal more about the communication. Record entry timestamps will reveal furtherance, adhesion, knowledge of all of the orders not served. Email on the information system and corporate system will reveal more details about communications through email between JD, Buster, and each defendant including

but not limited to Terry Raney.

55. Judge Harris had a policy that allowed the prosecutors office the ability to input final orders, judgements, and pleas into their adversary's records that were fictitious and had the appearance of an order judgment or plea entered by a clerk or deputy clerk in to the information system. Judge Harris had a duty to review orders and knew this duty exists because mistakes happen and bad faith entries happen. She did not verify the judgment well enough before post-conviction costs were added in her 1/3/2016 order. She was purposeful, deliberately indifferent, and malicious in not checking the conviction.

56. The Kerr County Commissioners had a policy that allowed the prosecution the ability to input orders, judgments and pleas into their adversary's records that were fictitious and have the appearance of an order, judgement, or plea entered by a clerk into the information system. The Commissioner, Buster used this policy intentionally to publicly convict the plaintiff. Also, therefore, the acting Kerr County Commissioner knew and was deliberately indifferent to its effects in the hands of a mere legal assistant and still allowed the non qualified staff at the Kerr County Courthouse to enter the foregoing instruments in to the information system.

57. Discovery will need to be done to gain more insight in to the policies mentioned. The policy is widespread. The implications are many are convicted without knowledge without notice, and without opportunity to review their opponents illegal entries into the system.

58. Judge Harris accessed the plaintiff's case on the information system and was deliberately indifferent, intentional and malicious to the conviction entered (with the sentence, fines fees and court costs) which she did not order. Even though this was in her own court where she was the only judge presiding. She had personal legal knowledge of all of the orders entered as a matter of law. She was deliberately indifferent to the implications by not investigating or supervising and failing to correct the errors.

to train the eleven clerks and the prosecutors office employees. She should have trained them each to perceive the obvious, and on perceiving the obvious conviction, fix the errors and notify the plaintiff of all the material changes which resulted from the change. Instead, she maliciously, and intentionally ignored the problem and failed to train and supervise each subordinate officer (including deputy clerks and legal assistants). In doing so she denied her legal duty and supported the conviction and injuries ordering post-conviction attorney fees against the plaintiff without verifying, in any way, the paper trail.

59. The Clerk and Deputy clerk defendants did not send notice of the attorney fees order intentionally and maliciously (or alternatively negligently) continuing the concealment and furthering the conspiracy.
60. The only reason the word "conviction" was removed is because the plaintiff first found out about the convictions by obtaining records in constructive absence of Ferguson as counsel over his case. The plaintiff had relentlessly sent letters to the clerks office asking for answers which never came and he motioned for substitute counsel. The convictions were not removed at the same time like would happen if a person discovers a mistake on two records; in a clerical error. Instead one was taken off inferring knowledge but the other remained for many months until it was quietly removed. There is a TRN of TRN#921715891, A001 and A002. All of the TRN records will need to be accessed and obtained in discovery because they are not available and Kerr County Court at Law has continually denied requests for public records due to indigence and the inmate exception in Texas law that makes reviewing requests for public records, if made by an inmate, discretionary. This will need to be done to learn the details and timing of adding and removing and notification of the Kerrville Police Department and the Kerr County Sheriff's Department that convictions had indeed happened. Their records still state that the convictions exist and happened on the 15th of December in 2016.

61. ← Heather Stebbins accessed the plaintiff's file on the information system and saw he was convicted and saw the fines and transactions. She failed to fix the false conviction and the failure to fix the already entered conviction resulted in JD's entries remaining. In talking to JD subsequent to her accessing the file and seeing the disposition she was deliberately indifferent and could have easily prevented the property, liberty, legal, mental, and emotional damage to the plaintiff but instead didn't fix the records, train, or supervise and supported her actions despite knowledge of her illegalities. She could have just removed any improper additions to the records at that point. She knew the property, liberty, legal, mental, and emotional injury because she was an advocate after made the connection by viewing the records. She actually stepped outside her role by not acting and intentionally and maliciously allowing a subordinate to make an illegal entry into an adversary's filing in the information system. The failure to act was the substantial driving force for the illegalities and she was the proximate cause for JD having a position beneficial to Buster and Jesse's conspiracy.

62. Rebecca Bolin was intentional, malicious, and deliberately indifferent by not giving notice of a conviction. She joined an agreement with all of her clerk and deputy clerk subordinates to not give notice of the conviction sentence, fines, fees, and attorney fees and to never admit in the record why those entries came to be. She had a duty to prevent Brian Duby and Terry Raney from sending fictitious review hearing notices or any other below her from hiding records and defying the plaintiff's requests. She also had a duty, upon seeing a conviction and each strange material change, to investigate and fix its propriety. Her failure to act was a substantial driving force for the injuries the plaintiff sustained.

63. Every clerk and deputy clerk defendant personally knew JD had filed the two convictions and they also knew that she went back and added the fines, forgotten in her guilty haze. Because, of their agreement to protect JD, each neglected

their legal duty to report illegal behavior, forgeries, fraudulent records and all stayed silent. Terry told them before JD filed and told them all after she did, to reinforce their prior commitment. By 2018, ... JD would go from a lowly legal assistant to the LEAD Kerr County Clerk Position. She became the boss over all of the deputy clerk defendants. Since 2016 not one deputy has stepped forward to law enforcement and each is chilled from whistle blowing against their boss at this point.

64. The plaintiff asked Terry Raney by letter who filed the convictions and she did not respond. Because of this concealment the defendant was deprived of notice upon dismissal. In December of 2022, JD would not have worked in this case . She likely would not be the Kerr County Clerk. , , , , Had she not helped Busters boy she wouldn't be the Kerr County Clerk today either.

65. Unknown Kerr County Commissioner adopted the incorrectly designated user policy . Judge Harris ratified the policy. Heather Stabbins ratified the policy. Each was the proximate "but for" cause. Each failed to supervise the other, and each failed to act. The knowledge of an unrestrained legal assistant in control of incalculable power to enter final judgments for any cause of action can only be summed by totalling all of the values of every order she entered illegally. It is deliberately indifferent, purposeful and malicious to allow such power and so unrestrained. This exploit cuts to the very core of constitutional values bypassing all constitutional protections and it shocks the conscience that it can be done. It is terrifying to the conscience that it has been done.

## FABRICATION OF EVIDENCE AND OMISSIONS

70. Jesse lies many times in his ~~arrest~~ report/incident report for incident 1601894 and these were used to charge the plaintiff with interference with public duties of a police officer 38.03(a) and resisting arrest 38.15(b) of the Texas Penal Code. Later these became CR16-0666 and CR16-0667 when a complaint and information were filed based on these reports.

71. 38.15(b) was predicated on 38.03(a) which was predicated on a "lawful duty" that was predicated on fabricated reasonable suspicion.

72. Jesse gave conflicting very different reasons to initially chase the plaintiff and Davidson. Initially he used a suicidal statements to a staff member facade. He said in his report that he had only overheard a anonymous staff inform Davidson that she had said "suicidal statements" to another anonymous staff earlier prior to his arrival. But, he gave no detail on these made up quadruple hearsay statements which allegedly came though two different anonymous parties. He also gave no statements on any investigation questions he asked prior to giving chase. A concise explanation is as follows: Jesse wrote he overheard (lvl 1), anonymous staff (lvl 2), say Davidson said (suicidal statements) (lvl 3), to some other anonymous staff prior to his arrival (lvl 4). This was not a report or an anonymous tip and it was not even framed as an imminent threat. This lie, remains uncorroborated.

73. Later, in his probable cause affidavit Jesse realized that "inform" was not an "order" So he just changed his narrative and wrote order instead of inform in his probable cause affidavits. At the MTR 1/26/2016, his new reason to have given chase became furtive movements. The truth is much simpler, Jesse gave chase because PRMS had a cease and destroy policy and had told the nurses and staff to be on the lookout for the plaintiff and if he is seen they must have him arrested on site because of the video he had posted of PRMC attempting a fraud scheme under color of law. This was a first amendment violation. All of Jesse's different stories are lies. There was no quadruple hearsay suicidal statements or furtive movements and these were all made up post-hoc and they contradict direct video evidence, affidavits, and witness testimony.

evidence, statements, and testimony. There was not a mistake in law or in fact by Jesse. It was an intentional and malicious illegal seizure and assault.

74. Jesse chased the plaintiff and his girlfriend Davidson because Unknown PRMC Staff #1 had requested him to do and informed him that he was making another video. And, Jesse being very familiar with the Stationia video which featured officer Butler, another KPD officer, gave chase right away on that request submitting to the cease and destroy policy.

75. Jesse lied in his incident report properties and this lie has big implications when it comes into the context of the first amendment retaliation. Jesse logged that he did not know the plaintiff which showed he had a guilty and concealing mind because Jesse is a good friend with the plaintiff's little brother Greg Adams and has been since childhood. Jesse and Greg were in the same boy scout troop and because the plaintiff is only five years older he would be around at the house, at sports events, school carnivals, christmas tree lightings etc. Jesse and Buster were both friends of the family growing up, in some respects, and while Buster would be the Santa Clause at the Ingram Christmas tree lighting the plaintiff's little brother and Jesse would run around. However, as soon as the video of the hospital was posted online, from the perspective of the plaintiff, his friendship stopped because retaliation began.

76. Before Jesse gave chase he did not see the plaintiff or Davidson earlier, and they had not seen him. At the moment he did see them and he was forty feet down the hall. He also had no prior knowledge of either of their medical histories, mental health histories or otherwise. When he did see them at a distance they were both walking calmly and peacefully filming and slowly opening the doors and exiting. He did not see either turn to look at him or other officers. There was no order to stop and he took his first step to chase after the door had closed and the plaintiff and Davidson were in the publicly accessible hallway and her refusal for further medical services was already complete.

77. Davidson had asked for and received permission to leave even though the act was not required and was really only done to get more information in order to decide if staying was necessary for her personal requirements. Neither the plaintiff or Davidson had reports filed against them, no accusations, no weapons mentioned, no crime alleged, no court order filed, or mentioned, no detainments, no convictions or arrests, no cuffs on either, no guards had been posted, or ordered, or requested, no doors had been locked, they weren't making any loud noises, neither was intoxicated, neither exhibited mental disturbance(such as smearing feces on the wall), it wasn't a high crime area, neither was witness to a crime, and at the MIR Jesse, in a rare spurt of truth, declared that at the time he gave chase he could not articulate any particular facts to give reason to detain Davidson or the plaintiff.

78. In Jesse's arrest report packet he lies at least 16 times on material statements specifically to try to fabricate provable cause to charge. Jesse also makes many omissions which if added to the arrest report packet would negate probable cause entirely and those omissions were also made to charge and increase the severity and conjure immunity for his constitutional violations.

79. Jesse's omissions include but are not limited to:  
His first physical contact with the plaintiff was a trained running pit maneuver that was designed to take him down to the ground by causing him to fall into the void of the negatively supported right side of his body.  
His first contact was made from behind the plaintiff with his right arm forcefully to the plaintiff's left torso.  
His first contact was as he was running up beside the jogging (not stopped) plaintiff. The collision is not a collision at all but Jesse linebackering the plaintiff. (This is admitted at the MIR.)  
The plaintiff stopped because as Jesse applied physical force and yelled stop he had lost his freedom of movement, and as he regained his footing he raised his hands and surrendered.

He omits that he never declared he was a police officer and was behind the plaintiff at all times. In fact, he didn't even mention that the plaintiff knew or did not know he was a police officer and this is a critical element of resisting arrest and necessary to establish the mental state of criminal negligence for interfere with a police officer's duties. Because, it is predicated on the plaintiff ought to have known that his act would have interfered with a police officers official duty. And, at that point he had no idea Jesse was police.

He reports that the plaintiffs ordered stop was obstruction but omits that if moving the plaintiff were his purpose he would have yelled "MOVE" or "get out of the way" as well as "police."

He omitted that the plaintiff said "What the hell?!" as Jesse first hit him out of complete surprise. Which established no knowledge of Jesse or his fabricated duty; at first contact.

He omits that PrMC had a cease and destroy policy on the plaintiff.

He omits that Unknown PRMC Staff #1 requested he chase and arrest the plaintiff and destroy his video.

He omits that there was no order for Davidson's detainment.

He omits that the PRMC staff were not chasing the plaintiff or Davidson and had no authority to do so.

He omits that Davidson had already legally exercised her right to refuse medical attention because she was hungry and they would not feed her even though they knew she had low blood sugar.

He omits that MHMR was called at his request not PRMCs and that he only called them after the chase to fabricate reasonable suspicion to chase post-hoc.

He omits that shortly after Davidson was released to MHMR they released her because there was no reason to do otherwise.

He omitted that even though all of the staff was around he never got any corroboration from doctors, nurses, staff or anyone else on his suicidal statement lies.

He omits that he had no reasonable suspicion to chase or probable cause to arrest.

80. Jesse's fabrications include but are not limited to:  
Jesse said that the plaintiff was stepped, blocking him on his initial contact. But his initial contact is the pit manuever.  
He said that the plaintiff pulled Davidson through the doors.  
He said Davidson mad suicidal statements.  
He says he overheard a nurse informing Davidson and the plaintiff not to leave.  
He says Davidson and the plaintiff made quick movements inside the ER.  
He said the plaintiff attempted to push. Which is really a clever way to reframe the plaintiff's showing his hands in surrender, maliciously.  
He says the plaintiff held the west doors and that he saw it happening. He said he saw this from 40 feet down the hall through imaginary chasing staff and a small 4" wide window. 10

81. Because Jesse left such an immense void of truth to his intentional and malicious framing of the plaintiff it will be easier to give a concise statement of the truth. As explained above Jesse had extensive knowledge of the video posted online. He had also visited youtube.com/Station1a and clicked on the dislike icon for the video. This is the video of the attempted intimidation and seizure of the plaintiff at PRMC the previous year. He also knew of the cease and destroy policy order and told staff there that he would gladly follow it.

82. As Davidson and the plaintiff walked out of her room headed toward the west doors only a few steps away., Davidson was laughing and making a joke for the documentary. The plaintiff was filming about the room service. Because, she had low blood sugar and they had denied even a small snack the entire stay. The plaintiff was fully attentive, interviewing and filming Davidson. They both opened the west doors with the bump handles and walked out of the emergency room. They paused and did a quick cameo after exiting, while the doors closed. The Unknown PRMC Staff Defendant's had all gone to the ER exit door to watch the plaintiff and Davidson make the little cameo. As the doors closed they peeked through the small window. 11

83. The doors slowly closed because they were on hydrolic hinges and they only lock to the outside because on the outside there are no bump handles. After the cameo, Davidson dramatically said for the camera, "I'm so hungry! Ouch!" and took off toward the north exit of the lobby 30 to 40 feet away. The ER lobby was completely empty. There was no threat of disturbing patients. She had a right to be hungry after being there over an hour and informing them of her blood sugar issue right away. She and the plaintiff asked for a snack for her several times.

84. Inside the ER Jesse was down the hallway as Unknown PRMC Staff #1 aproached him and in person with signs, gestures and speech requested him to go stop the filming because the person filming was the person who posted the video on Stationia. Jesse had been waiting for this opportunity so he did not investigate and immediately ran to violate the plaintiff's first and fourth amendment rights. Jesse wanted to be the one with bragging rights at both the police department and the hospital as being the one who arrested the stationia poster. Jesse and the other officers and staff were all on the lookout for him because of the ears and destroy policy.

85. In attack mode as if Jesse were chasing a murder suspect he violently persued the pair to carry out the effect of the policy. They were oblivious. Pit manuever, also called the omitted arrest happens as follows: Jesse came from behind the filming plaintiff while he was in stride. As he was heard yelling "stop" for the first time he performed a trained running pit manuever that he learned at the academy. The manuever is designed to topple, face first, a fleeing suspect, who committed a felony. He applied the force of his right arm quickly to the plaintiff's left torso. He timed this perfectly in order to force the plaintiff's body weight and momentum into the negative void where his left leg was forward and his right leg back when his body would fall there toward the right, hitting the doors or falling. With nothing to support that side the plaintiff had 3 choices fall, resistor evade denying the order to stop by jumping

to

the right and gradiating his speed, or the course he took, stopping as quickly as possible and surrendering. In order to complete the third choice, and avoid failing and being injured, he quickly brought over extended right leg around like a running back. And, all of the momentum from the quick movement of the right leg, the force of jesse's pit manuever, all of the body weight, and speed of were great. This is the point in the audio the surprised plaintiff can be heard saying "What the hell?" as he was assaulted. His only turn, contrary to Jesse's report.

86. The plaintiff stopped as quickly as possible. The plaintiff was able to stop by quickly turning, using the physics of the turn like a wide receiver instead of a twenty foot gradiation of speed, to follow Jesse's order. He then showed his hands and cell phone camera. He was stopped and surrendered completely. After Jesse ordered stop, applied physical pit manuever intentionally and maliciously, the plaintiff was then and there legally arrested. Prior to this excessive force the plaintiff was not under arrest or detained.

87. Jesse then hit the plaintiff like a linebacker completely unprovoked. The plaintiff's limp body went backwards through two paynes of heavy glass and metal doors causing lots of injury, brain damage and later seizures. Some of the effects were immediate and others manifested over the next few days because the jail and hospital refused to run a cat scan or an mri because they would be liable for the damages. All of the excessive force and the omitted arrest are obvious and evident in the surveillance video of the ER lobby. The lack of pursuing nurses is also evident even though some would eventually quickly show up to perceive the loud breaking of the doors and to see if Jesse carried out the cease and destroy policy.

88. Jesse's report portrays himself as a hero trying to stop a suicide then getting turned off course by a guy who was posted up at the door of the ER like a goalie when he arrived, after he was fleeing and should have magically known he was being pursued by cops. Then before Jesse had tried to arrest and before he had used any force whatsoever this unknown guy tried to push him and because of those events

he and Anderson had to work together to take him down without unnecessary force. But, the truth is he gave chase as requested by a ~~Staff~~ who explained for videoing past and present. Davidson had already legally refused medical and left the ER without incident and both retained all of their legal rights. He acted as a henchman for PRMC's policy and never declared he was law enforcement. He only yelled one single order and as he did he assaulted the plaintiff as he followed it. His assault then forced the plaintiff to make a hobson's choice of take injury, resist, or stop and when he stopped the henchman hit his arrestee like a football player. Then as his body was in physical shock he tried to avoid further injury so he was charged with an additional charg. And Anderson, did not assist with the linebackering as Jesse lies in his reports. The plaintiff was already down in physical and mental shock as he arrived.

89. Jesse didn't even have an idea of what he could use to try to establish reasonable suspicion but assumed because interfere with public duties is so broad he'll be able to make it up post-hoc. But , this didn't hold water and the prosecutor chose not to bring this to trial with direct evidence of material fabrication and no corroboration, and 4th level hearsay, and failure to identify and state his purpose.

90. Allison Baker fabricated through omission leaving out key evidence including J Gonzalez audio and video and his supplement report. This evidence was also material showing Jesse scrambling to come up with a reason to chase post-hoc and saying false accusations of assault against himself. It also will reveal information about the video deletion and the PRMC cease and destroy policy and his real reason to chase. This evidence would have negated reasonable suspicion to chase.

91. Scott Monroe received exculpable evidence beneficial to the defense in CR16-0666 and CR16-0667 while preparing to prosecute the MIR for B1475 and B1476. He had a duty to disclose the contents of the prosecutors file to the defense in the misdemeanor because it was material. And, he knew that the evidence would have proved beyond a reasonable doubt that the plaintiff did not commit the charges of resisting arrest and interfere with public duties of a police officer.

93. The material evidence includes the testimony taken by deposition, or statements and also notes related to the interviewing of Lynn Bond. This information was proffered subsequent to subpoena and included that Davidson was not ordered by Doctor or otherwise to remain at PRMC. And that in fact, she had permission to leave and had left before Jesse gave chase. It also would have revealed that there was a cease and destroy policy and because of it, and the notorious Stationia video, Jesse was requested to arrest the plaintiff and destroy the video.

94. Scott Monroe intentionally concealed the contents of his prosecutor file for B1475 and B1476 in the 198th district court to prevent the plaintiff from bringing publicity to the hospital and Jesse and to keep him from beating the charges in the Kerr County Court at Law. Through this concealment Monroe and Baker treated the plaintiff different than any other defendant in a criminal case.

95. Scott Monroe's prosecutor file contains many mentions of Stationia and the reasoning for Jesse's animus. It also contains affirmative notes that Jesse outside of his own statements had no reasonable suspicion to chase, it acknowledged the original omitted arrest, as an arrest. It also acknowledges the unnecessary force and the number of false material statements made within Jesse's reports and affidavits.

96. ~~Wm~~ Keller's statement and video is all subsequent to the arrest and its conclusory statements allegedly from Davidson and the plaintiff are more attempts to create a suspicion to chase post-hoc. Point 5 contains lies which are hearsay and post-hoc. ~~Davidson~~ advised she was dropped off at the hospital earlier for having suicidal thoughts." First, it doesn't make much sense to drop someone having suicidal statement off. Second, it is untrue. Davidson was not dropped off, she was brought by her mother and sister, Patricia and Elizabeth Peoples. They waited until about 20 minutes after the plaintiff arrived and asked him to look out for her and make sure she gets home. She was not there for suicidal statements, she was there for other reasons. One of which required urinalysis and blood work. Keller also writes [the plaintiff] "... came to the hospital to help Davidson leave when she wasn't supposed to." This is also post-hoc and conclusory. It is true that the plaintiff went to the

hospital to help Davidson. But, to comfort her, give her a ride after, talk to her and get what she needed. She was always free to go. The plaintiff was in the room most of the time and at no point had anyone told her she could not leave or make a requirement or order to complete any process or request to leave prior to leaving. This was true with or without the plaintiff's presence. Statements made by officers which do not argue the fact that she was given an order to stay prior to leaving and refusing medical, which was her legal right to privacy, so they chased her and the plaintiff down like murderers for a non-emergency, -non threat situation, causing harm and injury to the plaintiff, a bystander, are absurd. There is not now, nor has there been any unfabricated non-conclusory facts to prove this because it is not true.

97. Point 3 conclusively says " a combative male subject" but the plaintiff was a victim. According to Jesse's heavily dishonest reports he was never combative. At one point he tried to construe the plaintiff's hands being shown as an inchoate push, but he does not mention actual physical contact being made, which would not be an attempt but a push. Point 6 "Jesse ... didn't know if she was intent on hurting herself" puts one more level on Jesse 4 levels of hearsay because Jesse's only proposed knowledge of suicide is him overhearing and anonymous staff, as discussed earlier. But, this statement by Keller doesn't speak to suicide, it speaks to mutilation which is not suicide at all. As discussed Davidson had no weapons nor had any been alleged so based on Kellers statements this was no emergency.

98. All of the comments that come from Jesse are lies post-hoc and hearsay in Kellers supplemental report. The conclusory statements and lies told about Davidson and the plaintiff are malicious and intentionally placed to try to create a reasonable suspicion in the void of absolutely no corroboration by any medical staff trained and having personal knowledge of Davidson. This report was produced by Keller to conceal the truth and to charge the Stationia poster with as many crimes as possible. This violates the plaintiff's 1st, 4th, 14th and equal protection clauses because they treated him differently than every other person in his position by fabricating evidence to charge.

99. Jessica Adams wrote in her statement that the plaintiff pushed Jesse at the ER doors. This was a lie and she wrote it because Jesse told her to write it. Jesse was unaware that the surveillance video could see ~~he was not pushed~~. Jesse accidentally made a freudian slip with a guilty conscience in his report. Though Austin Beal took the statements as evidence by his signituree, Jesse claims that he took them, swearing that he took police reports for her and Elizabeth Smith. Yet another lie by jesse and it calls into question the process of creating the documents on their face. Two people are legally swearing under oath that they took the dishonest report, and one of them is the alleged victim. Austin was well aware of the fictitiously entered conversation and he helped her to word it right. This agreement was done to charge the plaintiff with interference with a police officers duties and resisting arrest. It was done maliciously and intentionally.

100. Jessica Adams and Elizabeth Smith's statements, and Jesse's probable cause affidavits and incident report and its properties; Allison Baker's ommisions; and the entire arrest report packet; and Kris Keller's incident report were all used to strategically and maliciously, ~~desieve~~, the magistrate and get him to charge for resisting arrest and interfere with public duties of police 38.03(a) and 38.15(b). The magistrate would be deceived and did charge with these charges, ~~later~~.

101. Elizabeth Smith stated that the plaintiff was with Davidson when she checked in. This is false. Then she also talked about a mysterious man in a grey shirt helping 2 officers. Surveillance shows Jesse then shortly after Anderson would arrive after his linebacker attack. ~~Anderson would jump on the plaintiff~~... The only person in a grey shirt is the plaintiff who in fact did assist the officers because upon being told to stop, he stopped. If the other officer is Keller and not Anderson then this statement conflicts with his statement that he gave chase after receiving a call for assistance with a combative male subject(allegedly).

102. A conflicting idea to every statement and fabrication is in reality there was no reason to run from anyone. There was no detainment and any orders given to stop.

stop from any staff members were not directed at the plaintiff or Davidson.

103. Jesse was called to the hospital to investigate another couple who did not have permission to leave and it is this couple to whom any orders or audible requests to stop were aimed. It is not plausible that both would run to escape a non-existent detainment. Jesse finally admits at the MIR that there was no detainment. But, evidence of the surveillance video shows the plaintiff trying to keep up to film, then trying to protect the footage by passing it to Davidson. It is plausible that while making the video, after not being fed, she would act dramatically and safely run the short distance across an empty ER lobby to fade into the next scene. There was evidence of this happening but Jesse conspired to have this evidence destroyed after he attacked her cameraman and deleted his video.

104. Every defendant mentioned who omitted evidence omitted it to charge the plaintiff with the crimes he was charged with. The omitted evidence, if it were used, would have persuaded the magistrate ordering the information, and complaint, used to charge, to not charge. Every defendant mentioned who fabricated evidence fabricated to charge the plaintiff with the crimes he was charged with. The fabricated evidence, if it were not used, would have convinced the magistrate ordering the information, and complaint, used to charge, to not charge. By not convincing the magistrate to not charge based on the real evidence, and truth instead of lies, each defendant mentioned persuaded the magistrate to charging.

#### CEASE AND DESTROY POLICY

105. Peterson Regional Medical Center was engaged in a scheme of extortion that was facilitated by Kerrville Police and the Kerr County Sheriff's department at any given time during the events giving rise to this complaint.

106. The method would acquire thousands of dollars from medicare and medicaid from both the Federal and State governments. This billing would happen if Mental Health and Rehabilitation (herein MMR) would be called to evaluate a patient. In theory, this is a good program, however, the Kerr County Hospital District funnels the money into the county and city and this conflict leads to unconstitutional and illegal

107. This scheme happens when a patient shows up to the hospital having some sort of issue not rising to the level of emergency. At that point the patient is held and asked questions related to mental illness such as are you a threat to yourself or others, have you ever attempted suicide. ~~at~~ <sup>the</sup> practice becomes divergent from, constitutional law when all of these questions have been answered and the patient is checked by, a doctor who then determines that there is no emergency or threat nor need for detainment. But, then PRMC staff will not let the person leave and continues to bill for emergency service.

108. It was the practice of PRMC in 2015 and 2016 to call the police or the sheriff's department after a person (already cleared, and post questionnaire and threat analysis) on their own voluntary free will decided to leave the ER. First, PRMC staff would threaten to have the individual arrested if they attempt to leave. Then they would follow through and call if the individual refused further service and left. The police were not called, necessarily, to arrest the person in the sense of to take the individual to jail. But, the purpose is to threaten the individual, under color of law, that if they leave the hospital the officer will find a reason to lock the individual up in jail. This is a 4th, ~~and~~ 14th and Equal Protection violation. because The individual is now detained at the PRMC ER indefinitely without any legal reason other than PRMC has not yet crossed the medicare and medicaid billing threshold of MHR has not yet arrived, or PRMC billed for an evaluation, or PRMC is continually billing for the facility and staff claiming mental health or emergency services.

109. The plaintiff placed a video online of a PRMC staffer after she had called the police for this very reason (fraud) after he had already voluntarily answered all relevant questions over many hours. But, as he left he filmed what happened next. While posting and labeling to hide his true identity to protect against retaliation by PRMC and the Kerrville Police Department, in a video hosted at youtube.com/Station1a, the plaintiff exits the hospital and is awaiting his ride as a woman exits the hospital following him. He had been outside for several minutes and was unaware of the potential

attempted extortion and intimidation that was about to take place. A Kerrville police cruiser approached. It had been called by the PRMC staff. The very call itself was a waste of valuable city resources. Two officers got out one of their names was Officer Butler. The plaintiff calmly filmed as they approached and as they realized the plaintiff was filming with his cell phone. At that point rather than institute threats of jail outside the facility like all of the staff (except his doctor) had said and threatened inside the facility, because of the camera, she folded her hands and acquiesced to the plaintiff's pleas for adherence to his Fourth amendment right against illegal seizure.

110. The plaintiff had never been a threat, nor exhibited any threat-like behavior to himself or any other person, or property, and there was no reason at all to call police. No one threatened him, at all. No laws were alleged to be broken by him, there was no detainment etc.

111. After exchanging cordialities for what on its face seems like no reason at all to have been called the officers returned to their car and left. They did not ask why they were called, this was already known. They didn't tell the staffer not to call unless she has legitimate reason. Because, this was the practice. The only thing that made this example of their intimidation tactic to bill medicare and medicaid for unneeded and unwanted services different is that this time in a surprising move the mark(the plaintiff), had a cell phone camera. Any pedestrian seeing this incident would have assumed that the plaintiff was in the wrong. With two cops and a PRMC staffer trying to force him back into the hospital, this color of law presentation was not used only to intimidate but to also conceal the unconstitutional acts. But, this video caught the inside scoop with 3 people conspiring to elicit State and Federal resources at the expense of the plaintiffs freedom.

12. This video is of public importance because it exposed a practice that was widely accepted by both the Kerrville Police Department and the PRMC hospital. The policy of calling police on people is very intimidating because most people will not go against police, even if they do assert their right to refuse against the hospital. In the video when the police left and the staffer went back inside it was evidence that the cops were called when they should not have been and that the plaintiff was not legally detained

inside the hospital. Without paying close attention John Q public may miss this point.

113. This video was posted not because the cops were called on a crazy out of control guy, they were called because (as can be seen in the video) the plaintiff was respectful, law abiding, calm and ~~obey~~ and responded faithfully to each request and was taken advantage of for his submissiveness. They thought they could use him as a stool pigeon to fill their bank accounts and meet their quotas. When people acting under the color of law take advantage of people for employment interests or personal gain it chills compliant people from being compliant.

114. The plaintiff also had another video which was of public importance like the others mentioned which involves himself trying to file a complaint against the Kerr County Sheriff's department deputy who had showed up to his residence, after being called by him. Then they destroyed evidence by willfully erasing the fingerprints off of a 9mm hollowpoint bullet left on his front porch after an altercation with a stalking exgirlfriend. The video was filmed on Christmas Eve because the dispatch had told him that in order to file the complaint he needs to come by the next morning. Which, happened to be Christmas Eve.

115. After arriving, ~~every deputy made filing the~~ complaint impossible because instead of dealing with the plaintiff as a concerned citizen trying to correct a serious error of a public employee, the Officer's there went in to Blue Line Backing mode and 1) did not give paper-work for the complaint, 2) called an officer who had nothing to do with complaints to intimidate the plaintiff from filing a complaint, 3) Officer Arredondo aggressively pursued intimidation tactics by bursting into the lobby quickly and demonstrating the futility of complaining by ushering the plaintiff outside, instead of to a desk to talk about the incident. 4) Then, 4 officers surrounded him in the blind spot of the cameras very intimidatingly and unnecessarily. 5) Then, after the plaintiff left the department Arredondo jumped into his cruiser and harrasingly followed the plaintiff pulling him over within a block of his house. 6) Then Arredondo wrote a fictitious ticket for an invalid/suspended license which could have violated his probation. 7) Citation 040918 for case number 15-0529 which was filed on 12/30/2015 was dismissed

upon proof that he had a valid license. This was malicious, intentional intimidation for trying to file a complaint and filming the process,

116. In another instance of intimidation by the law enforcement in Kerrville J. Gonzalez one of the defendants in this case pulled over the plaintiff without any reason to do so. After the plaintiff showed him his phone was recording he asked J. Gonzalez why he had pulled him over. J. Gonzalez stated that he turned without using a blinker which was untrue. Then J. Gonzalez wrote the plaintiff a ticket for having an invalid license just as Arredondo had done. This was malicious, intentional intimidation for trying to file the complaint and filming it, posting it, and leaving it online. This was filed on 4/13/2016 as citation number 040916 and case number 16-0157. It was dismissed in the same manner as the previous invalid license case. Dismissal cost about \$30.00 for each case and took a day 1 of the plaintiff's schedule to go to the DMV for proof of valid license.

117. Because of the retaliation and the evolving law at the time, prior to Turner v Driver, the plaintiff did not want Kerrville to be left behind in the citizens rights movement like Galveston had been left behind in the civil rights movement until Juneteenth. He filmed law enforcement and investigated and posted on his channel. Posting was already a protected first amendment right. There was no other person in Kerrville at the time that was willing to bring Kerrville into the fold and film and assert rights and hold authorities accountable. In a way, because of what happened at the hospital (in the original video of the attempted seizure) and what had happened at the sheriffs department, the plaintiff was chosen for this opportunity. He did not seek it out. He just applied technology and followed procedures and law and the law enforcement are the ones who made his videos interesting by not behaving as constitutional protectors. Once the intimidation was seen and recorded, to the plaintiff, it could not be ignored, because he wanted to make sure as few people as possible were intimidated under color of law in the future and believed the way to do this was to start a movement to appoint a new Sheriff and new leaders in the police and hospital.

118. The Kerr County hospital District Board Unknown Hospital Board #1 - #4, 1) created a policy for ER staff to keep an eye out for Russell Adams, 2) if he is seen have him arrested 3) Destroy any video content in his posession. 4) Stop any filming. This will be able to be proved by depositions of some hospital staff and could have been proved by the active video content which Jesse searched for and had destroyed in concert with Defendants Keller, j Gonzalez, Austin Beal, and Unknown PRMC Staff #3, and Anderson after Defendant Keller brought the plaintiff's filming phone back and Jesse and he watched the video.

119. One excusable scene in that video was taken in Davidsons hospital room prior to he and the plaintiff walking out. The plaintiff was filming because Davidson had asked for food and he had asked for food for her. It had never been brought. She had low blood sugar and it seemed like this would be a pretty good scene to add to the documentary that they had been working on. After entering quickly and exchanging cordialities with each, unknown PRMC Nurse #1 noticed the phone being held up filming. She told the plaintiff(on video) that he could not film in that room and the plaintiff asked why. Stoic she stammered and said "you are the Station1a guy." The plaintiff gave no reply response but said "Why may i not film in here? this is a public setting and we consented.. Besides, Texas is a one party state." She told the plaintiff(also on video) that there were some very influential people who said he could not film and to take his phone away and have him arrested when he comes back to the ER. The plaintiff asked "Who? your supervisor? I don't care about any made up rules and your boss is not getting my camera under any circumstances. She said " It is way over my supervisor's head. The guys at the top who run the district want you stopped. And, If they want your camera they will get it."

120. The plaintiff said they were about to leave anyway and Davidson said "Yea, can we leave now? I am starving!" PRMC ... Nurse #1 said I would like for you to stay until your urinalysis results come back but if you really want to leave I cannot keep you here." The Plaintiff said, "Does that mean that she can leave and that noone is going to mess with her like in the other video?"

(referencing the online video) She said

"Yea," then She got up quickly and left the room. Davidson had expressed apprehension about making absolutely sure that she had had permission in person after seeing the Station1a video. Now completely satisfied that this had occurred they both would continue to film, get her things, and then exit the room.

121. After Jesse would later arrest and use excessive force on the plaintiff. The plaintiff 1) would yell that he was preserving the evidence(video) as he tossed the phone to Davidson. 2) Shortly after Jesse can be heard in audio frantically requesting that officer Keller locate the phone and bring it back to him. 3) Then Jesse can be heard frantically asking Keller if he located the phone. 4) Then later as Anderson and Jesse took the plaintiff to the Kerr County Jail as they pulled up to Water Street from G. Street before they turned right and drove the last mile to the jail, Jesse and Anderson stopped the car and turned and asked the plaintiff if that was the only copy of the video. The plaintiff responded truthfully, that it was, and they both locked at each other and said "So, it wasn't livestreaming?" Then after the plaintiff responded no they laughed out loud. Because of the facts it is evident that the video was a substantial reason for his initial arrest. Later, he would conceal the initial arrest and resequence and lie and omit material parts of his police reports and probable cause affidavits. With all of the attention and animus related to the video and phone Jesse, J. Gonzalez, Keller, never once suggested that it was a motive, why, and why it was not logged as evidence or returned to the plaintiff instead of Davidson.

122. When the phone was given to Davidson, a CCleaner App was installed on the phone and the video had been deleted. The file was not recoverable. Although, had it been accidentally deleted it would have been ~~recoverable~~ because this kind of deletion is really just marking the memory address as free not replacing its contents. The plaintiff had recovered videos on his phone several times before. He took the phone to a computer place in Kerrville for expert opinions after this malicious deletion, after bonding out, and going to the hospital for treatment. They said that the phone had been zeroed out in the freespace.

123. After Unknown PRMC Nurse #1 left Davidson's hospital room she signaled the unknown PRMC Staff Defendants that the Station1a Videographer was present and videoing in Davidsons room. Unknown PRMC Staff #1 told Jesse that the plaintiff was the Station1a videographer and that he was filming. Most of these quick communications were done with signs and were not meant to be heard or recorded. But, Unknown PRMC Staff #1 did request a seizure of the plaintiff out loud to which Jesse complied. The basis behind Jesse and the Unknown PRMC staff #1 plaintiff to seize the plaintiff was the Unknown Hospital Board Defendants policy of cease and destroy which was well known to Jesse and the staff in the ER. The purpose of the Unknown PRMC nurse #1 signalling all of the staff that were present was the cease and destroy policy. This is to be inferred(based on the chain of events, such as no probable cause to arrest or reasonable suspicion to ~~destroy~~, fabrications were made, omissions were made, destruction of evidence was done) that this agreement happened. Depositions will lend more light to the form of this agreement and the specific words and signals used.

124. The plaintiff did not post any more videos of his own of PRMC or Kerrville police after this at Station1a or at his [YouTube.com/Station1a](https://www.youtube.com/Station1a) account. He did not engage in any further investigations or research into the illegal policies of either PRMC or Kerrville Police. Very contrary to past conduct, the plaintiff did not bring his camera phone to the hospital when he had to return to get checked out for his injuries after leaving jail. The injuries suffered, which were serious, were a matter of public concern because the plaintiff had been injured because of the hospitals policy and now had no other option but to return to the hospital to get them to treat the wounds. He had already been denied treatment at the jail and it was foreseeable that the hospital would try to minimize and disspell as much liability as possible. Besides the physical injuries the plaintiff sustained constitutional injuries including his First Amendment right to post video content, to film in public, the right to be free from retaliation for expression a constitutionally protected idea, and the right to be free of destruction of protected content and evidence of criminal and unconstitutional conduct.

125. County, District, city, and municipal constitutional violations are always a public concern by definition. The first three words of the Constitution itself (in the preamble) are "We the people!" Because of all of the events described, the plaintiff was forever chilled from expressing his views and ideas in the public venue based on fraud and illegal siezures to intimidate for that purpose.

126. It is believed, by the plaintiff, that the public still do not know the truth of what happened, that PRnC and the Kerrville Police Department are still intimidating patients for the sole purpose to bill the state and federal governments under emergency pretexts.

#### EXCESSIVE FORCE

127. Directly after Jesse used the pit manuever and after the plaintiff had surrendered and shown he had no weapons he was under legal arrest. Being stopped, there was more than a split second for Jesse to make a decision. He had an opportunity to stop and think about his next move. Talking or even giving further orders were both available.

128. The plaintiff had followed his last order and there is no indication or reason for Jesse to believe he would not have obeyed another one. Jesse asserts in his report and probable cause affidavits that his real problem with this whole situation is that the plaintiff was in between him and Davidson. If this is true, then he could have said a single word "MOVE" or "MOVE ASIDE". Both would have been within the realm of appropriate force he could use against an unarmed, non-fleeing, non-suspect if his true motive was to detain Davidson. To take the excessive force into the context of what Jesse saw and believed at the time he used it must be ascertained what the risk of iniury was(if any), the risk of her actually successfully leaving(if any), and whether excessive force was even necessary in view of all of the circumstance known.

129. The following circumstances are not admissions of events within any fabricated report, affidavit, or statement. They are used only to show that even in light of all evidence used to charge, the circumstances show objectively and subjectively that the force used was excessive.

First, no crime had been committed by Davidson.

- 1) There was no imminent threat of suicide. Keller wrote that Jesse said he didn't even know if Davidson was intent on hurting herself (much less killing herself). And, in no account, fabricated or otherwise were attempts or imminent intent (threat) mentioned.
- 2) There were no weapons around or mentioned.
- 3) There were police cars at every exit of the hospital blocking all of the entrances for another female, who Jesse alleges he had been called to arrest or force to remain at PRMC.
- 4) Jesse did not use his radio or call for help until after he assaulted the plaintiff.
- 5) Obviously other officers are around and officer Keller and Anderson appear in seconds of his assault.
- 6) There is a massive field all around the hospital if Davidson were to take off outside on foot and also make it past all of the police in the parking lot. It would have taken her 10 minutes to cross the field giving plenty of time to all of the officers on stand-by to circle around, or drive across the fair ground field to get her without injuring anyone.
- 7) If he thought her intention was to leave in a car, she would still have had to get into the car, start the car, pull the car out of its place, and then somehow, wind through all of the cop cars in the parking lot who could stop her, flank her, or block her. (In lack of a radio this may seem plausible but a simple utterance would have focused each unit on her, preventing driving off right away.)
- 8) Even if she were to make it out of the parking lot J. Gonzalez was right off of PRMC property in his police car and arrived seconds later after hearing Baldwins radio call.
- 9) The plaintiff certainly had not been accused of a crime.
- 10) If Jesse believed that he was fleeing, he was now stopped and no longer doing so.
11. The plaintiff had no weapons, he had already shown his hands and Jesse saw his hands only had a cell phone in them.

12.) Because this was a hospital, and at least the plaintiff or Davidson was a patient, there is a real possibility that she could have really been pregnant and Jesse's tackling of her, or tackling of the plaintiff pushing him into her could have murdered the baby she was carrying.

13.) No injuries had taken place and if Jesse thought one could take place he could have easily asked the (still anonymous) staff whether or not it is a immediate possibility. The response would have been that it was not even a possibility. Such minimal investigation by Jesse would have prevented an unlawful chase, two excessive force actions, and two arrests to the plaintiff.

14.) Jesse could also have said loudly "MAM. I'm Police. I need to talk to you for a second" when he was down the hallway out of view. He admitted he saw both walking leaving plenty of time for quick questions to Davidson or the plaintiff and announcing his police presence.

15.) There was an opened automatic door right behind the plaintiff. This means both paynes of that door on the east side of that door were together making a double layer heavy glass and metal barrier which was sure to cause injury.

16.) Jesse had a taser and could have used it threateningly if orders didn't work.

17.) Jesse never mentions the facts of either instance of excessive force and as regards the instances of force gives only the conclusory statement that he and Anderson used minimal force to detain the plaintiff.

18.) Up until the second excessive force causing injury (because Jesse omits the first) his reasonings for all of his actions (in reports and affidavits) are to detain Davidson. Although, he never said MAM, and never manifested this intent. But suddenly, as the excessive force is applied all of his actions are predicated on arresting the plaintiff, and Davidson's life and death pursuit through the ER causing injury to third parties, is no longer his priority. A general radio signal is enough to detain her. This call went out, as it would have gone out before his chase and assault, to all of the surrounding units. This proves in the immediate circumstance

that a single radio call would have been plenty to detain Davidson and protect the plaintiff from Jesse.

130. The reasonable law enforcement officer would say that with all of these things in Jesse's immediate knowledge that hitting the compliant stationary plaintiff like a football player into heavy glass and metal doors would not have helped to manifest the intent that he alleges in his reports. That, he was trying to save Davidson from herself.

131. Jesse's very next move after the plaintiff surrendered was called a collision in his probable cause affidavits and police reports. But at the motion to revoke he called it a decision to linebacker the plaintiff. Although, the hospital surveillance video had not yet been subpoenaed by the plaintiff Jesse exhibited a guilty mind for this act by trying to share the responsibility with Anderson by stating in his reports and affidavits that Anderson had assisted him in the takedown. But, Anderson did not arrive until after the plaintiff had already been attacked and seriously injured with the intentional hit. The following fabrications and omissions were used to manufacture false probable cause to arrest and to charge the plaintiff with 38.03(a) and 38.15(b) of the Texas Penal Code.

132. Jesse fabricated this attack at the ER door was his reason to arrest. Jesse intentionally omitted that the plaintiff was following orders and he stopped, and that he had already attempted a takedown maneuver and was unsuccessful. Jesse fabricated that the plaintiff turned twice, Jesse omitted that he did not identify or order or ask the plaintiff to move out of his way at any time. Jesse fabricated and twisted the plaintiff's surrender with a sly placed conclusory statement that the plaintiff made an attempted "push" an inchoate push. Which, if it is considered factually looks exactly like a person standing with his hands shown but the crime would carry a necessary intent to push. All of the plaintiff's moves were following orders and he never intended to push Jesse. In fact Jesse is the one who would assault the plaintiff in his second attack. Texas has no duty to retreat and without orders to do so and knowledge that Jesse was a police officer attempting to detain Davidson the plaintiff showing his hands and stopping as soon as possible was in line with the plaintiff's real intent.

To follow orders. He needed to get control of the situation so that he could ascertain why he is under arrest and show his evidence of the video that was being recorded, lawfully. At this point the plaintiff had no idea why Jesse had just arrested him.

134. Jesse did three things that were'nt done just to charge. They were also done by him to conceal his guilt for using excessive force. First, he omitted that he could have just kept on running beside the plaintiff before he used the pit manuever, if he were not his intended target. Blowing by the plaintiff would have negated all of the claims entirely. Second, Jesse went to Jessica Adams and then told her he was pushed by the plaintiff and to make sure she puts this in her statement. Third, Jesse was heard in audio telling other officers and bystanders that the plaintiff came from behind him. Later, at the MTR he wouold recant this and say that he made a simple mistake in saying it. This was not a mistake. These acts were all done intentionally and maliciously to conceal that he used more force than was necessary by trying to pretext that it was necessary in his fabricated narrative.

#### JUSTIFICATION/JASIA DEFENSE

135. Texas Penal Code 3.91 gives a person the right to resist arrest to prevent further injury regardless of whether the arrest was lawful or not if the excessive force an officer uses during the arrest is prior to the resistance, the force is used to avoid further injury, or the apprehension of further injury, Jesse ~~twice~~ used ~~dangerous~~ excessive force prior to the protective force he alleges the plaintiff used. That force is the plaintiff's pulling his hands to the front of his body in an active move. Jesse alleges no other force applied before or during the arrest. Although, he mentions an attempted push which is contradicted by the video. It was really a showing of hands in surrender. But, even prior to this Jesse used unnecessary and excessive force by attempting a pit manuever before manifesting his presence or manifesting his purpose. That act potentially could have caused great injury. But since he omitted that whole incident Jesse's alleged arrest began with Jesse linebackering the plaintiff through heavy glass and metal doors for allegedly stopping him from detaining Davidson.

137. Both the excessive force and the reason the plaintiff stopped are discussed in length supra.

Then, the plaintiff moved his hands, which is later classified as force against the arrest, to prevent further injury. He was not moving to prevent an arrest but had many injuries just caused by Jesse and some that were exacerbated by hitting the doors and floor and then when Jesse and Anderson put their body weight on him. The plaintiff did not use great force, only enough to prevent further injury, and he had a right to have an apprehension of further injury because Jesse could have used many safe methods to effectuate an arrest but he chose assault. But, his intent was to punish and hurt the freelance journalist and to get the video, then arrest second.

138. As Jesse linebackered the plaintiff he caused great injury discussed infra. The injuries include injuries to his head, neck, shoulders, back, torso, arms, legs, knees, and physical and mental shock and anguish among others. All of these is relevant to his reasoning for justification as a defense because the plaintiff was trying to prevent any more injury. Immediately afterward, there were some effects that affected his mobility such as physical and mental shock; spasms in his shoulder, arms, back, neck, legs; popping in his shoulders and wrists; and a short period of blackout.

139. As regards the plaintiff's shoulder, arms, wrist, and elbow on his left side, it was spasming and had a charlie horse of from near the shoulder that caused it to seize and bend at the elbow making it impossible to move it backwards at the shoulder. This shoulder and arm were in great pain and it struck the doors and the ground and an unidentified object. The wrist on the right side that was holding the phone which

140. Jesse kept trying to pry from the plaintiff's hands was popping and dislocated and required the plaintiff to stretch it forward to relieve the pressure, release the phone( which was an impossibility because the hand was locked closed and the plaintiff was unable to open it without first straightening it). The plaintiff exerted the minimal force necessary with his arm by pulling it forward straightening it out relieving the pressure on his dislocated wrist and in doing so was then able to release

the phone. Which, he did. At that point the charlie horse in his left arm relaxed because of this manuever just enough for him to force his own arm backwards again to allow Jesse to cuff it without any further injury. Jesse grabbing and twisting on the popping dislocated wrist was causing sever pain and the popping caused an apprehension of a broken or further broken wrist.

141. As regards the plaintiff's left arm, in 2016 after a severe shoulder injury Dr. Pilia the Ex US ski team orthopedic surgeon performed Arthroscopic surgery and did some reconstruction to the rotator cuff after a supra spinata syndrome. This injury even after surgery was never fully recovered and would hurt and it had a markedly loss of range of motion. The portion of motion which was lost is the dexterity to move it to the rear past the center axis of the body. This is the area that Jesse was trying to force the arm into, and what he seems to percieve as active pulling to the front on that side is not pulling at all but a real physical disability to comply with that want of the officer. Of course, because of the assault, the plaintiff had also suffered great injury on that side. The injuries to that side included spasming and great pain up into the shoulder forcing the shoulder bone which had previously been made rough and was not covered with softer joint tissue, push up into the bare bone inside of the joint which had also been abraised in the past during the injury giving rise to the surgery. This lack of soft tissue inside of the joint was one of the factors that made the initial surgery a necessity. Without the soft tissue the shoulder bones rub together without any protection (make a grating grinding popping sound) and it feels like sand paper is in between them. After the surgery this problem had been fixed. After Jesse used his excessive force it forced the plaintiffs arm to move in a direction it had not moved in and this made the initial pop and began the grinding afterward. Immediately because of the very deep pain he had no control to move the arm and it would only be moved in various directions in hopes of finding a less painful way backwards. Then moving it directly back, was an impossibility. The plaintiff only moved this arm away from Jesse to prevent further

injury and pain.

142. Interestingly, Jesse did not suggest multiple pulls and never suggested which hand moved and the order it moved. The plaintiff was having spasms all over his body and was in physical and mental shock that made even understanding and reacting clouded with pain and egress from pain. However, the plaintiff after straightening his right arm and waiting for his right to relax was able to assist Jesse in putting the hand cuffs onto him without further injury.

143. After the cuffs were on, Jesse told the plaintiff to get up pulling his hand up. The plaintiff, with Jesse behind him, tried to stand without the use of his hands. In standing he realized how his knees were also injured from Jesse's assault and he and Anderson putting body weight onto them. This was manifested as they buckled causing the plaintiff to lurch forward (to catch himself) with his legs because his hands were cuffed. He was trying to prevent further injury such as a face plant onto the concrete. One went forward, but then the other had to go forward because the speed was too great and it took a step or two to prevent falling onto his face. He did however sustain more injuries to his knees because after slowing to a speed which allowed him to prevent a face plant he dropped to the ground onto his knees. His knees being the lesser of the two evils (and less injury than a face plant), falling safely. (Relatively.) Jesse should have rose up first then walked in front of the plaintiff instead of prompting him to rise without support in front of his person. Without that necessary support the only thing the plaintiff could catch himself with was a forward step.

144. At that moment the plaintiff stated his claim to notify all who were listening that they could expect litigation. He recited a § 1983 false arrest claim. That he was covered under the constitution, that he had done nothing wrong and was being arrested, without probable cause of any crime, and that he has evidence of it that needs to be protected. This is the phone video which Jesse, Keller, J. Gonzalez, Beal, and Unknown PRML Staff #3, and Anderson

Plaintiff had deleted off of his phone, and to which he seeks an adverse inference.

#### INJURY

145. IMMEDIATE INJURIES: severe pain; mental and physical shock; spasms and weakness in arms, shoulders, knees, hands, legs; blackout; stun; sprained neck; bruised legs; contusions on legs, arms, hands, head, back, shoulders; concussion; dislocated right wrist; severe cramp(charlie horse or frog) in right shoulder; exacerbated left shoulder condition causing grinding, abrasion, immobilization; exacerbated neck condition, 3 slipped disks in the neck; pain and suffering; mental and physical trauma

146. LONG TERM INJURY: brain damage(a T2 flair of scar tissue) between the parietal lobe and the temporal lobe on the right side of his brain behind and above the ear; permanent degradation of the left shoulder condition; permanent degradation of the neck condition; seizures; memory loss; confusion; mental trauma; pain and suffering.  
 The Kerr County Jail would not allow a visit to the ER or a doctor and the nurse (allegedly) was requested but never came to the plaintiff's cell to help him (as intimated).

147. After the plaintiff bailed out on the 12th of June he was exhausted and in pain after being kept up all night in a tiny room sleeping on a cold floor with up to 30 other detainees. There was barely standing room and people were laying down in shifts some of the time. As soon as ~~rested~~, he went to PRMC to get treatment for his injuries which were still causing great pain and immobilization (post bail).  
 PRMC provided minimal treatment and denied CAT scans or MRIs for the plaintiff's head injuries. They would not perform X-rays on his neck or shoulder. They minimally logged the event because PRMC was liable for having Jesse arrest the plaintiff and while he did it, following the cease and destroy policy, causing injuries.

148. PRMC recommended lots of sleep for the head injury and immobilization of the shoulders, knees, back, and neck. Being unable to get to another hospital--the closest next hospital is in Fredericksburg- 30 miles away. Unknowledgable to seek another opinion he followed the misguided advice of the licensed medical personnel.

149. Plaintiff's memory loss, confusion, and seizures(at night) began 4 days after this

incident, UTMB (University of Texas Medical) made an effort to discover the cause of the seizures in 2022 when one occurred for the first time in his location during the evening. It caused vomiting, dizziness, body flailing, and as always abrasions, bruising, and biting of the inside of his cheek. They diagnosed it as being caused by the earlier head trauma, this incident.

150. Since the incident the plaintiff has 2 to 3 seizures per week while sleeping. Sometimes they happen while he is awake, which generally causes falling and more injury. UTMB recommends brain surgery to remove the scar tissue to stop the seizures. The plaintiff takes medicine every day because of seizures and he had no seizures prior to Jesse's assault inside PRMC's ER lobby.

151. The plaintiff's neck has early arthritis and UTMB is recommending a surgery to fuse the vertebrae and this is because of the damage that exacerbated his previous neck condition when Jesse tackled him into the ER lobby doors with nothing to protect the vulnerable backside of his body.

#### CONSPIRACIES TO COMMIT CONSTITUTIONAL VIOLATIONS

152. After Jesse had placed cuffs onto the plaintiff and some of the pain had subsided, with his body properly supported and able to stand he was still bewildered by what had just transpired. He asked Jesse why he was arrested and Jesse said he could not give any reason and did not know. He also said that he would try to make a reason post-hoc. This was worded that he would try to figure something out.

Then, He told the other officers and bystanders that the plaintiff had come from behind him and pushed him. Later, he told Jessica Adams to put this in her statement and she would comply.

153. Jesse would meet the unknown PRMC nurses and the PRMC Staff Defendants in the corner of the ER in an attempt to hide this meeting from the surveillance camera. Each faced opposite the camera and stood in or near the blind spot at the end of the row of chairs near the west wall relatively in close proximity to the camera.

154. He forced the plaintiff into a chair directly in front of the staff and allowed them to ask him some questions, Jesse had asked them to ask. Particularly the nurse who was in charge and performed the majority of the questioning is Nurse Shane but it is still not certain what his occupation is, or his real name, and these will need to be discovered. Jesse told Nurse Shane that he arrested the plaintiff, now he has to come up with a reason to have done so. He asked Nurse Shane what he thought a good reason would be because he can not say that it is the cease and destroy policy. Nurse Shane talked with another Unknown PRMC Staff #2 who said that Davidson had a mental health history when she was a child and they could say she made threats of suicide today. Nurse Shane told this to Jesse and then the interrogation of the plaintiff began.

155. Nurse Shane asked the plaintiff as he sat in handcuffs, and after he had already verbally invoked his right to remain silent, questions about Davidson's mental health history. He also asked why she had come to the hospital. Davidson was sitting just behind the plaintiff and could hear this whole conversation. The plaintiff told Nurse Shane that he did not want to answer any questions to help them to try to fabricate a reason for assaulting and arresting him and Davidson. He also said they should have thought about why they were chasing before chasing. Earlier, the plaintiff was unaware that Jesse had been requested to arrest him. The plaintiff made sure to loudly say right away that Davidson was allowed to leave and she was not intent on committing suicide. She also said this right away and invoked her right to remain silent after that.

156. Jesse was visibly put off by the lack of cooperation by the plaintiff and threatened to add a charge of obstruction to the investigation. The plaintiff told Nurse Shane again that he asserts his 5th amendment rights and then said "if I do cooperate at this point any statements I make will not be worth the paper that they are printed on because I am under duress." The plaintiff explained that he is cuffed, there is no reason for the arrest, he had been assaulted and injured, and now there is a third party doing a custodial interrogation over "my fifth amendment right to remain silent." Then he

told Jesse that this is the definition of under distress . Then the plaintiff said Davidson didn't make any suicidal statements again and that if they want to know if she had permission to leave all they have to do is rewind the video on his phone(the plaintiff thought the phone was in his car). Then they will see that her nurse, Unknown PRMC Nurse #1, gave her permission to leave.

157. Jesse talked to Nurse Shane and told him that he would say that Davidon was told not to leave because of suicidal staements. Nurse Shane said that he did not want Jesse using any of the staff there unless they want to be used for his narrative. Jesse said he would not use them without their permission but if he does not use them then they cannot then go and give any statements that will go across the suicidal statement narrative or the whole thing will fall apart. He said that they could not give any evidence that says that the chase or arrest was for any other purpose. Shane accepted the stipulaiton and told Jesse that he had to make sure that his coworkers, all of the PRMC defendants working in the ER that day would agree to them.

158. Nurse Shane went to talk to the other PRMC Staff to discuss the stipulations and to see if they were intent on giving statements. The PRMC Staff included all of the PRMC staff defendants. Including Unknown PRMC Staff, Unknown PRMC Nurse #1. He asked each if they would give a statement to the Kerrville Police fabricating that Davidson had made suicidal statements earlier. Everyone of them said no, or denied the request, and they each gave reasonings that indicated that doing so would be dishonest and that they were not going to lie against Pamela Davidson. Then Nurse Shane asked each of them if they were intent on giving any statements at all. He told them that should not. And, if they do not, then will make sure that Jesse will protect them by keeping their names off of the records and the whole ordeal quiet. Then, they will not have to lie but PRMC's goals of having the plaintiff arrested can still move forward and everyone will be protected from liability.

159. Nurse Shane told each PRMC Staff and PRMC Nurse that they can not give any evidence

that will suggest anything different then that she gave suicidal statements earlier. By this time each PRMC defendant knew that the reason for the chase was the cease and destroy hospital policy because they had each discussed it with each other and with nurse Shane. So, each agreed to prevent liability and to protect their employment interests over protecting the plaintiff.

160. Each PRMC defendant had exculpable evidence and could verify the cease and destroy policy and its creators. Several PRMC staff including Davidson's doctor and her nurse knew thaty Davidson did not make any suicidal statements that day, to staff or others.
161. Defendant Nurse Shane met with Jesse again and told him that the staff he talked to will comply with his stipulations about giving adverse statements but each wanted to make absolutely sure that under no circumstances will their name be used or will they be mentioned as involved in the incident. Jesse complied with the stipulations and used the suicidasl statements earlier (overheard from an anonymous staffer being told to another anonymous staffer) to protect the identities and prevent the defense from interviewing any specific defendant's.
162. The "unidentified staff" assertions are the only mention Jesse has prechase to present any reasonable suspicion to chase Davidson and he does it in a way that is completely unverifiable(purposefully and maliciously).
163. Through at least tworounds of discovery by Ferguson and Eismann (the plaintiff's indigent counsel or public defenders) no names of any staff have been produced by police or the prosecutor's office since the incident in 2016. Any statements or names that suddenly will appear as a result of this suit are fabricated and false lies made only for the purpose to try to excuse defendants of their lawful liability to make wrong the rights on that terrible day.(if these statements and names now coorborate Jesse's/ fabrications, ommisions, and lies).
164. Jesse only mentioned Jessica Adams and Elizabeth Smith who were not proximal to the events that ggave rise to the chase. Instead, they were staff who were located in the lobby itself. Even though in Texas probalbe cause is a burden for the prosecution

because reasonable suspicion to chase Davidson (the lawful duty that Jesse purports to be carrying out) is an element of Interfere with public duties of a police officer, this predicate in the fabrication and omissions wasn't corroborated. However, both gave statements about what was coached to have happened in the lobby.

165. Jesse assured Nurse Shane that this whole ordeal would be quiet and told him to inform the other coconspirators of that fact. Jesse told Keller, Austin Beal, J. Gonzalez to manufacture evidence and to leave the ER staff and nurses off of all of their reports. He said don not get statements except from Jessica Adams and Elizabeth Smith. They each complied but J. gonzalez would accidentally write a few statements in his report (supplemental) that conflicted with Jesse's versions of events. By this time Jesse had explained, to each, that the story will be that the plaintiff showed up to take a suicidal Davidson home and that he gave chase because she was heard making suicidal statements to staff. J. Gonzalez supplement report conflicted with Keller's, Jesse's, and Beal's statements, reports, and probable cause affidavits so Allison Baker hid it from the Kerr County Attorney (initially) and the plaintiff.

166. Jesse contacted Bustercas discussed supra. Buster contacted Allison Baker and she agreed to protect Jesse's illegal use of force and cover up anything that goes against the narrative that Jesse created about suicidal statements. She also agreed to not make any mention to the County Attorney magistrate or plaintiff about Jesse's excessive force or the initial arrest (before Jesse's proposed collision) as the plaintiff stood in front of him. She completed these objectives.

167. After the false convictions discussed supra the plaintiff, who had not heard from his attorney in 2017, since 12/21/2016, filed a FOIA request to the Kerrville Police Department to get ALL police reports, information, witness statements and other written records subsequent June 10, 2016 referencing to June 11, 2016 pertaining to Jesse. This included police reports and J. gonzalez and all other officers reports and statements.

168. A copy of the dispatch log was requested and any records indicating ERMC requested any assistance between 1:00 am and 11:59 pm June 11, 2016 or routine stops that.

had happened around the PRMC hospital on June 11, 2016. He requested all records referring to June 11, 2016 filed after June 10, 2016 and 2 hours after.

He requested the names of all of the officers present 2 hours prior to the detainment of Russell Adams and 2 hours after the purported subsequent arrest (as reported) at PRMC.

He requested the name of the officer who made contact after Jesse.

169. This was stamped as received by Allison Baker July 28, 2017. In responding, she had ignored the plaintiff's invocation of Federal Jurisdiction over the matter and gave a State law exception of §§552.023 indicating only the (conspiratorial counsel) could request this information based only on the incarceration of the plaintiff. Counsel had not replied or contacted the plaintiff for several months despite his repeated requests for him to push discovery for the names of the staff and the exposed lies in Jesse's reports and affidavits.

170. The plaintiff's FOIA request states this authority: "This request is made under the Freedom of Information Act (FOIA) 5 USC §552; [and the Privacy Act 5 USC § 5529]; more as, Tex. Gov't Code Ann. §§552.029" It is important to note that even under the state law the records are not forbidden and she used her discretion: when the requestor is represented by counsel (which he was not) the records can be denied. This was a pro se request for exculpable evidence and Brady material because counsel would not make this request himself and would not respond to the plaintiff's letters.

171. Allison Baker had personal knowledge of the records that were being withheld because she was the person withholding them. She also knew the evidence she was concealing on behalf of Jesse and his father would have aided in the defense and put liability on Kerville police Officers. She used this as another chance to use her position as records supervisor, under color of law, to protect Jesse and conceal the truth. Allison Baker whited out J. Gonzalez record reference to hisd supplement in her packet before she forwarded it to the County Attorney for processing of charges and she did this to charge and make charges more serious. She did not realize Jesse and Buster wanted her to whiteout over Jesse's reference to the supplement report in his incident report as well, when she was asked to delete the report itself if

this happened on the 21st of June at around 16:04.

172. This report would have brought a critical link to the first amendment violations, Jesse's initiation of conspiracy, and other violations. She also concealed his audio and video which would have also brought evidence of agreements, destruction of the video, confessions of the illegal arrest of the plaintiff, and an interrogation in the back of J. Gonzalez car after Jesse put him there to try to construct a reason for the chase and subsequent arrests (post-hoc). She did this maliciously and intentionally to get the plaintiff charged.

173. Ferguson did not communicate with the plaintiff but after the plaintiff moved the district court to have him removed and substituted Ferguson contacted the plaintiff and withdrew (officially for the conflict of interest). Because of the conflict of interest between Buster and Jesse 6 different attorneys from the public defenders office withdrew from the plaintiff's case one after the other. These withdrawals happened until Weston Eismann was appointed because he told the plaintiff that he had no knowledge of Buster or Jesse Baldwin and didn't care about anyone but the plaintiff. His factual proof was that he had just graduated law school and had no prior history in Kerr County.

174. Weston Eismann was the plaintiff's final attorney and he tried to get the full client file from Ferguson, initially, by request. This is the accepted way of getting a client file from previous counsel. But, after Ferguson refused to give up the entire client file and used his reasoning that the storage where the file is located is cold Eismann did not represent his client and push for the client file. He notified the plaintiff by letter that Ferguson would not turn over the client file but did not confront him, motion the court, or take any other means to get it.

175. Eismann, after representation and pre USC § 1983, was requested to turn over his own client file and followed Ferguson in suit acting under the direction of JD Dowdy. He refused and the plaintiff pursued all of the state administrative remedies which could produce the client file. The plaintiff opened and actively pursued the file through CAA (the State Bar Client Attorney Assistance Program).

176. Ferguson had told JD to contact Weston Eismann to request that he terminate his attempts to get the file because Ferguson had told Buster that he would not help the plaintiff pursue his defense and would not give him any evidence that goes against Jesse's made up narrative of suicidal statements earlier. She did contact Eismann and did tell him to submit. Eismann submitted.

177. After he submitted to JD he informed the plaintiff that if he wanted the attorney client file from Ferguson he will not get it or work anylonger on getting it. Then, he told the plaintiff that he would have to pursue action on his own to get the file.

178. The plaintiff did this by enlisting CAAP who was previously unable to get the file in the misdemeanor cases. Then he pursued the mandamus applications spoke of at pt 184. Non of these were successful. The Fourth circuit court of Appeals opinion opined that any motion that the plaintiff files, regardless if it is to get a client file or not is considered a hybrid motion. Therefore it could not order mandamus to rule upon that motion because Texas law does not guarantee the right to hybrid counsel. Essentially, without prior remedy of a motion there is no jurisdiction for Mandamus relief, but, if the motion(even a proper motion such as the plaintiff's) is hybrid mandamus can't issue. There is not remedy in the State of Texas for a represented defendant to get his client file from a former attorney when his current attorney, without seeing the file or knowing its contents, declines to get it. Therefore this denial by Eismann and Ferguson is a 14th amendment violation of substantive and procedural due process preventing fair trial and access to the courts.

179. Weston Eismann also withheld the dismissal of CR16-0666 and CR16-0667 by not contacting the plaintiff when it happened and not sending notice until July of 2023. Because of Fergusons and Eismans actions the plaintiff was not able to ascertain the entire contents of ferguson's file which contained critical evidence of conspiracy, fabrication, and both of these files were needed to improve this complaint and file claims against other defendants which are protected from liability because of their actions.

180. This complaint was delayed for 7 months and it was only after another follow up asking for him to get Ferguson's client file that prompted him to contact his coconspirator (JD) to tell her that they must now send notice because the plaintiff is asking questions. Then, she and Eismann sent both of their December 13, 2022 orders dismissing the charges in the middle of July in 2023 within days of each other.

181. Lack of notice prevented the plaintiff from researching and barring any knowledge of any ability to file a USC §1983. Before dismissing the plaintiff believed that filing a 1983 was impossible. 1) He was told by many different lawyers who represented him that there was no hope for a dismissal. 2) He had filed for a dismissal himself and it was not even ruled upon. 3) The prosecutor never gave any indication since 2016 that it has interest in dismissing the charges or pursuing a dismissal. 4) At the time the plaintiff had put in his last motion for dismissal Thompson v Clark had not happened and an unfavorable termination for malicious prosecution purposes still meant only an over turned sentence or conviction, Neither of which had happened. 5) The plaintiff had no legal experience nor an attorney. 6) No more discovery had been done such as names of nurses or more video coming to light to put new pressure on the prosecutor to dismiss. All of these show that it was highly unlikely, improbable, and forbidden that a dismissal would happen in either case. The plaintiff was also attentive and expectant that if it would happen that he would get notice, right away. Until then he knew that he was eternally Heck barred from filing USC §1983.

182. One key factor in this suit is the discovery of unknown defendants. This is a highly complex case involving theories of liability and immunity with many obstacles. The plaintiff who is still not confident as he would like to be is being forced to file this complaint today instead of at a later time because of the conspiracy between Eisman, and D. If the plaintiff had the 7 months directly after his favorable termination the complaint would be a better product.

183. Originally Eismann was informative and good counsel, but after talking to JD, she informed him of the amount of law enforcement, and court officials who would obstruct his practice by not sending

by not sending notices, putting him at the bottom of lists making payment for his work difficult(in the future). He agreed to block notice with the plaintiff until JD gave him permission to send notice. She did, after he contacted her in July.

184. Judge Emerson received a mandamus in the 198th District Court to force Judge Harris to rule on a properly placed motion to compel Brett Ferguson to divulge all of the contents of the client file from when he represented the plaintiff on CR16-666 and CR16-0667. The mandamus was properly filed in his court by the plaintiff by him sending the mandamus petition to the district clerk. The plaintiff also filed a mandamus with the fourth Court of Appeals of Texas, and with the Court of Criminals of Texas and attempted to file one with the 216th District Court in Kerr County as well. At the time Texas law gave each of these courts concurrent jurisdiction over a mandamus to force a statutory county court (The Kerr County court at law) Judge to rule on a motion. However, Judge Emerson, personally, in a letter denied that he was served with the mandamus. There is record of the mail service of the petition for mandamus to the 198th district clerk in the TDCJ legal mail database.

185. Judge Emerson personally stepped out of his position as a Judge by destroying and denying that a mandamus petition was before his court by destroying and obstructing process prior to the records being entered and filed in the court. The petitioner received this letter some time after his mandamus was placed in the mailbox at his TDCJ Unit, *concealing his actions.*

186. By destroying the mandamus petition which required being filed under Texas law to give jurisdiction to the district court Rex Emerson denied the plaintiff substantive and procedural due process under the 14 amendment and a fair trial on the misdemeanors CR16-0666 and CR16-0667 in the Kerr County Court at law by denying access to the courts and preventing said charges (which are not within his jurisdiction because they are not connected to felonies or involving charges of corruption).

Rex Emerson aided in concealing the contents of Ferguson's client file.

FEDERAL THEORIES OF RECOVERY

187. GROUPS OF DEFENDANTS:

group #1: Kerr County, PRMC, Unknown Hospital District Member #1 - #4, PRMC Superintendent; Unknown PRMC Staff #1 and #2, Jesse Baldwin

group #2: group #1, Unknown PRMC Staff #2 - #5, Nurse Shane, Elizabeth Smith, Jessica Adams, Austin Beal, Kris Keller, J. Gonzalez, Evin Anderson, Buster Baldwin, Allison Baker, Kerrville Police Chief

group #3: All Defendants

group #4: Anita Van Klaveren, Nuvia Cruces, Shelley Parker, Ana Keller, Holly Mouser, Terry Raney, Brian Duby, Diane Rodriguez, Rolando Valdez, Rhiana Solis, Janice Smith,

188. DISTINCT SEIZURES:

Seizure #1: The omitted arrest at 85,86, 127

Seizure #2: The first contact portrayed by Jesse, and where he alleged that the plaintiff was negligent in following his order committing Tex. Pen. Code 33.15, against his person. 87, 128

Seizure #3: Jesse alleged that he initiated 38.03 because the plaintiff moved his hands to the front of his body once. 142, 143

Seizure #4: CR16-0666 process complaint and information filed for Seizure #2 July 19, 2016 at 32

Seizure #5: CR16-0667 process complaint and information filed for Seizure #3 July 19, 2016 at 32

Seizure #6: The plaintiff was confined June 11th and 12th in 2016, from 6/21/2016 - 7/21/2016, and from 9/27/2016 until 12/13/2022 for CR16-0666 32

Seizure #7: The plaintiff was confined June 11th and 12th in 2016, from 6/21/2016 - 7/21/2016, and from 9/27/2016 until 12/13/2022 for CR16-0667 32

Seizure #8: On 12/15/2016 a false conviction was entered by Jackline Dowdy

for CR16-0666 at 38

Seizure #9: On 12/15/2016 a false conviction was entered by Jackline Dowdy  
for CR16-0667 at 38

189. GROUPS OF SEIZURES:

group A: Seizures #1 - #3

group B: Seizures #4 - #7

group C: Seizures #8 and #9

190. Points 1- 189 are incorporated by reference.

191. The actions and omission described above, engaged in under color of law of State authority by the defendants (including Kerr County, Kerr County Hospital District, PRMC) sued as persons and responsible because of their authorization, condonation, ratification of acts by their agents; and including Kerr County Commissioner, Judge Harris, Rebecca Bolin, Heather Stebbins, Unknown PRMC Nurse #1, Allison Baker, Unknown Hospital Board Members #1 - #4, PRMC Superintendent, Kerrville Police Chief, sued as persons for failure to act, failure to train, failure to supervise, and/or by and through res ipsa loquitur were responsible for acts and omissions by subordinates) deprived the plaintiff of rights secured to him by the Constitution of the United States, including but not limited to the plaintiff's:

192. First Amendment Right:

a. to freedom of expression (including filming in public and posting of videos online) by Defendant group #1 including conspiracies jointly

b. to be free from retaliation for exercising a first amendment right (including videoing in public, making news posts, and public posts) by Defendants group #1 including conspiracies jointly

c. to be free to video in public (including to post subsequent videos after filming) by Defendant group #1

d. to be free from destruction of First amendment protected content (including video content and future posts made with that content)

by Defendant group #1 including conspiracies jointly

193. Fourth Amendment Right:

- a. to be free from illegal seizure of person and property( including from Seizures #1 - #9, and video content) by Defendant group #3 including conspiracies jointly
- b. to be free from illegal arrest(including Seizures #1 - #9) by Defendant group #3 including conspiracies jointly
- c. to be free from excessive force( including Seizures #1 - #3, ~~spit~~, ~~maneuver~~, and ~~linebackering~~) by Defendant group #1 including conspiracies jointly
- d. to be free from false imprisonment( including Seizures #1 - #9) by Defendant group #3 including conspiracies jointly
- e. to be free from illegal detention( including Seizures #1 - #3) by Defendant group #2 including conspiracies jointly
- f. to be free from process or arrest based on fabricated and/or omitted evidence (including Seizures #1 - #9 with incident/arrest/police reports, probable cause affidavits, and witness statements, and omissions within and without; also the fabricated judicial confession evidence (plea instruments)) by Defendant group #3 including conspiracies jointly
- g. to be free from malicious prosecution (including Seizures #2 - #9) by Defendant group #3 including conspiracies jointly
- h. to be free from conspiracy to deprive of a Fourth amendment right by Defendant group #3 including conspiracies jointly of any amount of any defendants from group #3 up to the amount of Defendants in the group.
- i. to be free from failure to intervene (including fraudulent records, orders, judgments, excessive force, fabrication of evidence, omitting evidence, and Seizure group #1 - #9, and/or other constitutional rights witnessed by a defendant where no effort was made to halt the offense) by Defendant group

#

#3 including conspiracies jointly

f. to be free from retaliation for exercising Fourth amendment rights( including the right to walk unmolested in a public place) by Defendant group #2 including conspiracies jointly

194. Fourteenth Amendment Right:

a. to substantive and procedural due process before

1. Seizure of property( including fines, fees, court costs, and attorney fees for Seizure group #2 -#9; plaintiff:s cell phone video content destruction; all of the omitted notices, orders, and removal of records which were false and material) by Defendant group #3, Judge Emerson, and Scott Monroe including conspiracies jointly.

2. seizure of person( including Seizure group #1 - #9) by Defendant group #3 including conspiracies jointly

3. punishment(including Seizure #1 - #9, fines, fees, court costs, and attorney fees, time served, jail time, excessive force, public slander/libel (including by false conviction)) by Defendant group #3, Scott Monroe, and Rex Emerson including conspiracies jointly.

4. process(of arrest( including Seizures #1 - #9) by Defendant group #3 including conspiracies jointly

5. arrest( including Seizures #1 - #3) by defendants group #2 including conspiracies jointly

b. access to the courts(including fair trial; notice of orders, judgments; illegally entered convictions; concealing of witness names, video, etc.)

by Defendants group #3 including conspiracies jointly

c. right to be free of conspiracy of silence to prevent access to the courts(including the filer of the convictions, and all notice given intentionally and maliciously incorrectly, or not given maliciously and intentionally, notice of attorney

fees; and post-conviction deadlines) by Defendants #3 including conspiracies jointly

d. to be free from excessive force( including Seizure #1 - #3, the running pit manuever, and the linebackering) by Jesse baldwin) by Defendants #1 including conspiracies jointly

e. to be free from eprocess or arrest by fabricated and/or omitted evidence (including Seizures #1 - #9; with incident/arrest/police reports, probable cause affidavitts, witness Statetemts; and omissions within and without all of the foregoing instruments;but also the fabricated judicial confessions presented to the court) by Defendant group #3 including conspiracies jointly

RELIEF REQUESTED

195. Points 1 - 195. Adminstrative Remedy, and Jury Trial are incorporated by reference.

196. WHEREFORE. plaintiff reauests that the court grant thie following relief.

A. A declaratory judgement stating that:

1. Jesse Baldwin used excessive force in carrying out his intentional running pit manuever and in linebackering the plaintiff violating his 1st. 4th. and 14th amendment rights.

2. Jesse Baldwin, Kris Keller, d.Gonzalez, Evin Anderson, and Unknown PRMC Staff #3 acted in concert to destroy the plaintiff's evidence and First amendment protected content violating his 1st, 4th, and 14th amendment rights.

3. Judge Susan Harris violated the plaintiff's procedural and substantive due process rights by ordering attorney fees and by failing to dismiss fines she knew were the product of dismissed and illegal convictions despite the motioning of the plaintiff to her court and this violated the plaintiff's 14th amendment right.

4. Judge Rex Emerson violated the plaintiff's procedural and substantive due process rights by destroying a mandamus detittion that was sent to his court and in doing that failed to rule on the original proceeding violating the plaintiff's 14th amendment rights.

5. Scott Monroe withheld exculpable evidence that he had that would have proved Jesse Baldwin used excessive force, lied in police/incident/arrest reports and probable cause affidavits, and that the plaintiff acted reasonably to protect himself from Jesse's violations of procedure and law to protect himself from further injury. This violated the plaintiff's 14th amendment rights of access to the courts, fair trial, and access to Brady material.

B. Issue an injunction ordering Judge Susan Harris to eliminate all fines, fees, court costs, attorney fees, and any evidence of a conviction or negative consequences for findings for both CR16-0666 and CR16-0667.

C. Issue an injunction ordering Scott Monroe to turn over his prosecutor file contents and all withheld evidence including Jesse Baldwin's testimony, case notes, all video and audio content, and all testimony obtained for witnesses such as Lynn Bond.

D. Issue injunction ordering Brett Ferguson and Weston Eismann to turn over the client files. Which are the plaintiff's property, for both cases CR16-0666 and CR16-0667.

E. Issue an injunction ordering Judge ~~Rex~~ Emerson:

1. to issue a declaration that the plaintiff's destroyed mandamus petition was dismissed without prejudice.
2. to order Judge ~~Rex~~ Emerson to accept and file all future filings by the plaintiff including a new copy of the mandamus petition despite his own conflicts of interest or bias toward the plaintiff.

6. Award medical expenses including future medical and drug costs for responsible parties.

This is for physical, emotional, and deprivation resulting from the excessive force instances.

7. Award compensatory damages for responsible parties including:

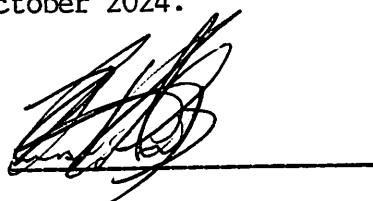
1. Physical
2. Liberty restraint
3. Emotional
4. pain and suffering
5. deprivation of rights

8. Award pinitive damages

9. grant other such relief as the court may decide the plaintiff is entitled.

10. general relief; *very trial*;

Respectfully submitted, on this 1st day of October 2024.



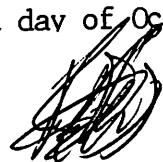
Russell Scott Adams "Pro Se"  
TDCJ# 2046368  
3201 FM 929  
Gatesville, TX 76597

VERIFICATION

My name is Russell Scott Adams. I am at the Alfred D. Hughe Unit in Gatesville Texas, Corvell County, I am of sound mind and over the age of 18 and freely make the following statement and verification.

I declare under penalty of perjury and verify that the foregoing complaint in its entirety including all assertions of facts and their resulting claims and damages are true and correct to the best of my knowledge and belief.

Executed this 1st day of October 2024. by Declarant



## DECLARATION OF EVIDENCE VERIFICATION

OF RUSSELL SCOTT ADAMS

I am of sound mind and over the age of 18 and declare the following pursuant to §1746  
28 U.S.C.under penalty of perjury.

1. All of the items in the appendix are true and correct or are exact duplicate copies of true and correct records, under my personal knowledge.
2. The Appendix attached to the plaintiff's original complaint contains the following.
  - a. 07/21/2016 Kerrville Police Department Arrest Report for #A161089
  - b. 10/17/2016 Criminal Records Search Results on courts.co.kerr.tx.us for the plaintiff
  - c. 12/19/2016 CR16-0666 courts.co.kerr.tx.us Case Summary showing False conviction/fee/IRN
  - d. 09/06/2017 CR16-0667 courts.co.kerr.tx.us Case Summary showing False conviction/fees/fines/and the 01/03/2017 post-conviction hearing
  - e. 12/20/2016 letter from Defendant's appointed attorney which concealed the fact that the defendant was already convicted on 12/15/2016
  - f. 11/13/2019 CR16-0666 courts.co.kerr.tx.us page 1 showing various illegal records: un-notified records; and changes; post-conviction hearing for Fergusons fees.(This is the Register of Actions.)
  - g. page (2) of (f) shows various illegal records; un-notified records; and that fees were applied 12/15/2016 as the conviction was entered. Additionally it shows that post conviction attorney fees were applied on 01/03/2017 by Judge Harris.
  - h. 11/23/2019 CR16-0667 courts.co.kerr.tx.us page 1 showing various illegal records; un-notified records; and changes; post-conviction hearing for Ferguson's fees
  - i. page (2) of (h) showing various illegal records; un-notified records; and changes; and Jackline Dowdy's entry of the 12/19/2016 fines she forgot on enteringg the false conviction of 12/15/2016

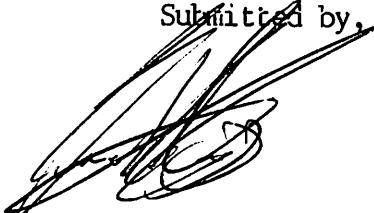
12/13/2022 Motion to Dismiss CR16-0666

12/13/2022 Motion to Dismiss CR160657

I am an inmate at the Alfred D. Hughes unit in Gatesville Texas in Coryell County.

This declaration was made and signed in ~~Coryell~~ County on 05 October in 2024  
the year of 2024 by the declarant

  
Submitted by,

  
Russell Adams 02096368  
3201 FM 329  
Gatesville, TX 76597

## KERRVILLE POLICE DEPARTMENT

## Arrest Report

Arrest # A161089

## ARRESTEE DETAILS

Name	RUSSELL SCOTT ADAMS		
Address	101 KERRVILLA RD, KERRVILLE TEXAS 78028		
Phone	830-928-5807	SSN	_____
Race	W	Sex	M
Height	5'10"	Age	37
Eyes	BRO	Weight	180
FBI	MID		
Resident	Y	Inc.#	1601894
Place of Birth	TX		



## ARREST INFORMATION

Arrest Date-Time	6/12/2016 - 18:04	Hold Reason	WARRANTLESS/ON VIEW	
Arrest Location	551 HILL COUNTRY DR S KERRVILLE TX 78028			
Arrest Agency	KERRVILLE POLICE	Release To		
Arrest Type	ON VIEW	Resist Arrest	Y	Arrested Before
Arrest Disp	COUNTY	Arrest Officer	330 BALDWIN	
Supervisor	Miranda Officer			
Arrest Condition	COOPERATIVE			
Armed With	UNARMED			

## ARREST CHARGES

Violation	INTERFER W/PUBLIC DUTIES (MB)			
Statute	38.15(b)			
Judgement				
Judge	Court			
Disp Date	06/11/2016	Court Date	Bond Amt \$00	
Warrant #	Citation #		Incident # 1601894	
Disposition	COUNTY	Bond Type		

Violation	RESIST ARREST SEARCH OR TRANSPORT (MA)			
Statute	38.03(a)			
Judgement				
Judge	Court			
Disp Date	06/11/2016	Court Date	Bond Amt \$00	
Warrant #	Citation #		Incident # 1601894	
Disposition	COUNTY	Bond Type		

## Criminal Records Search Results

[Skip to Main Content](#) [Logout](#) [My Account](#) [Search Menu](#) [New Criminal Search](#) [Refine Search](#)

Location : All Courts [Help](#)

Record Count: 7

Search By: Defendant Party Search Mode: Name Last Name: Adams First Name: Russell Middle Name: Scott Sort By: Filed Date

Case Number	Gitation Number	Defendant Info	Filed/Location	Type/Status	Charge(s)
<a href="#">CR031439</a>		Adams, Russell Scot	09/10/2003	Adult Misdemeanor Dismissed	THEFT >=\$20<\$500 BY CHECK
<a href="#">B1475</a>		Adams, Russell Scot	03/16/2009	Adult Felony Disposed	
<a href="#">B1476</a>		Adams, Russell Scot	03/16/2009	Adult Felony Disposed	
<i>Ket →</i> <a href="#">15-0529</a>	041078	Adams, Russell Scot	12/30/2015	Traffic - Adult Dismissed	DRIVING WHILE LICENSE INVAL
<i>Ret →</i> <a href="#">16-0157</a>	040916	Adams, Russell Scot	04/13/2016	Traffic - Adult Dismissed	DRIVING WHILE LICENSE INVAL
<i>12/13/22</i> <a href="#">CR160666</a>		Adams, Russell Scot	07/19/2016	Adult Misdemeanor Filed	INTERFER W/PUBLIC DUTIES
<i>5/24/22</i> <a href="#">CR160667</a>		Adams, Russell Scot	07/19/2016	Adult Misdemeanor Filed	RESIST ARREST SEARCH OR TI

5 dismissals



# Brett L. Ferguson & ASSOCIATES

ATTORNEYS AND COUNSELORS AT LAW  
327 EARL GARRETT STE 104 \* KERRVILLE, TEXAS 78028  
PHONE: (830) 895-2544 \* FAX: (830) 895-3353  
Brett L. Ferguson - [bferg@ktc.com](mailto:bferg@ktc.com)  
TX Bar # 24040889

December 20, 2016

RUSSELL SCOTT ADAMS                    INMATE #02096368  
Garza West Unit  
4250 Hwy 202  
Beeville, TX 78102

RE:    RE:    State v. Russell Scott Adams.; Interfere w/Public Duties; Cause No: CR16-0666  
& Resisting Arrest or Transport; Cause No: CR16-0667 in the County Court at Law of Kerr  
County, Texas.

Mr. Adams,

Please find enclosed the Plea in Absentia I have received from the County Attorney regarding your misdemeanor cases. I know you had informed me that you want a jury trial on these matters, however, I am required to forward this information and offer from the county attorney's office to you for your consideration.

If you choose to accept the offer please follow the instructions given by the letter from the Kerr County Attorney and return it to my office so that I can forward it to the county attorney. However, please be aware of potential negative ramifications that a judicial confession could have on your felony revocation cases should you win your appeal. If you plead guilty to these charges it might be used as a confession in your revocation cases. I recommend that we wait until your appeals have been resolved to make any decisions on this matter.

Please let me know your decision so that I can inform the county attorney's office.

You may contact me by phone, fax or mail if you have any concerns or questions. Thank you for your time and consideration in this matter.

Respectfully,

Brett L. Ferguson  
Attorney at Law

**COUNTY COURT AT LAW**  
**CASE SUMMARY**  
**CASE NO. CR160666**

12/13/2016	<input checked="" type="checkbox"/> <b>CANCELED</b> Review Hearing (9:00 AM) (Judicial Officer: Harris, Susan) <i>Continued</i>
12/15/2016	<b>Disposition</b> (Judicial Officer: Harris, Susan) 1. INTERFER W/PUBLIC DUTIES Convicted TRN: 9217158941 TRS: A001

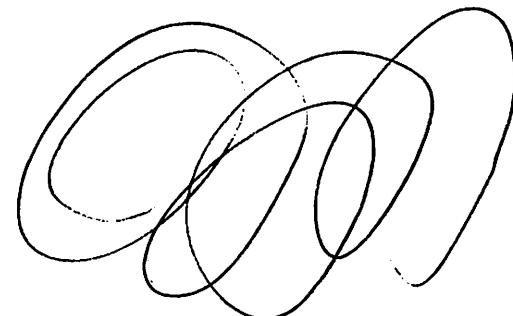
DATE	FINANCIAL INFORMATION
Defendant Adams, Russell Scott	
Total Charges	287.00
Total Payments and Credits	0.00
Balance Due as of 12/19/2016	287.00
Defendant Adams, Russell Scott	
Bail Bond Fee Balance as of 12/19/2016	0.00
Defendant Adams, Russell Scott	
Bail Bond Fee Balance as of 12/19/2016	0.00

## CASE SUMMARY

CASE NO. CR160667

11/14/2016	<input checked="" type="checkbox"/> Notice Of Release From Jail
12/13/2016	<input checked="" type="checkbox"/> CANCELED Review Hearing (9:00 AM) (Judicial Officer: Harris, Susan) <i>Continued</i>
12/15/2016	Disposition (Judicial Officer: Harris, Susan) 1. RESIST ARREST SEARCH OR TRANSPORT Convicted TRN: 9217158941 TRS: A002
01/03/2017	<input checked="" type="checkbox"/> Attorney Time Sheet
03/28/2017	<input checked="" type="checkbox"/> Review Hearing (1:30 PM) (Judicial Officer: Harris, Susan)
07/25/2017	<input checked="" type="checkbox"/> Review Hearing (1:30 PM) (Judicial Officer: Harris, Susan)
01/23/2018	<input checked="" type="checkbox"/> Review Hearing (9:00 AM) (Judicial Officer: Harris, Susan)

DATE	FINANCIAL INFORMATION
Defendant Adams, Russell Scott	
Total Charges	787.00
Total Payments and Credits	0.00
Balance Due as of 9/6/2017	787.00
Defendant Adams, Russell Scott	
Bail Bond Fee Balance as of 9/6/2017	0.00
Defendant Adams, Russell Scott	
Bail Bond Fee Balance as of 9/6/2017	0.00



11/23/2019

courts.co.kerr.tx.us/CaseManagement/PublicAccess/CaseDetail.aspx?CaseID=4284445

Skip to Main Content Logout My Account Search Menu New Criminal Search Refine Search Back

Location : All Courts Images Help

## REGISTER OF ACTIONS

CASE No. CR160666

The State of Texas vs. Russell Scott Adams

§  
§  
§  
§  
§Case Type: Adult Misdemeanor  
Date Filed: 07/19/2016  
Location:

## PARTY INFORMATION

## Attorneys

Court Reporter Rode, Kelly  
Court Reporter for Kerr County Court At Law  
700-Main St., Ste. 123  
Kerrville, TX 78028

Defendant Adams, Russell Scott  
TDCJ Alfred Hughes Unit  
3201 FM 929  
Gatesville, TX 76597

Male White  
5' 10", 180 lbs

State The State of Texas  
Other  
Heather Stebbins  
830-792-2220(W)  
830-792-2228(F)  
hstebbins@co.kerr.tx.us

## CHARGE INFORMATION

Charges: Adams, Russell Scott  
1. INTERFER W/PUBLIC DUTIES

Statute 38.15(a)  
Level Class B Misdemeanor  
Date 06/11/2016

## EVENTS &amp; ORDERS OF THE COURT

## OTHER EVENTS AND HEARINGS

06/21/2016 Affidavit Of Surety To Discharge Liability By Surrender Or 1  
 06/29/2016 Order Appointing Counsel  
 Ferguson  
 07/12/2016 Request for Discovery  
 07/19/2016 Complaint & Information Filed  
 07/26/2016 Certificate of Written Discovery  
 09/27/2016 Affidavit Of Surety To Discharge Liability By Surrender Or 1  
 10/04/2016 Arraignment (9:00 AM) (Judicial Officer Harris, Susan)   
 10/11/2016 Jail Docket (9:30 AM) (Judicial Officer Harris, Susan)  
 Result: Reset  
 11/14/2016 Notice Of Release From Jail  
 12/13/2016 CANCELED Review Hearing (9:00 AM) (Judicial Officer Harris, Susan)  
 Continued  
 01/03/2017 Attorney Time Sheet *← Harris ruled a post-conviction fee for Ferguson.*  
 03/28/2017 Review Hearing (1:30 PM) (Judicial Officer Harris, Susan)  
 Result: Continued  
 07/25/2017 Review Hearing (1:30 PM) (Judicial Officer Harris, Susan)  
 Result: Continued  
 07/26/2017 Letter  
 From Defendant  
 09/06/2017 Letter  
 From Clerk's Office mailed 9/6/2017  
 01/23/2018 Review Hearing (9:00 AM) (Judicial Officer Harris, Susan)  
 Per Email Sent from CA's Office; sent on 01/24/2018  
 Result: Continued  
 03/12/2018 Returned by USPS  
 USPS needs TDC#/Unable to forward.  
 07/30/2018 Review Hearing (9:00 AM) (Judicial Officer Harris, Susan)  
 08/02/2018 Letter  
 From CA Office to Defense Atty - PIA  
 08/13/2018 Letter  
 From Defendant  
 10/09/2018 Letter  
 From Defendant dated 10/4/2018  
 06/28/2019 Letter  
 From Defendant Received 6/28/2019 Mailed information requested 7/11/2019  
 07/18/2019 Letter  
 From Defendant dated 7/14/2019  
 07/19/2019 Letter  
 To County Attorney From Defendant  
 07/25/2019 Letter

Never took place

11/23/2019

*To District Clerk From Defendant dated 7/14/2019*

07/31/2019	<u>Letter</u> <i>To County Attorney From Defendant</i>
08/14/2019	<u>Motion</u> <i>For Appointment Of Counsel - Defendant's</i>
08/14/2019	<u>Letter</u> <i>From Defendant - Duplicate - dated 8/9/2019 - Motion</i>
08/15/2019	<u>Response</u> <i>On Motion For Appointment Of Counsel - Unopposed</i>
08/22/2019	<u>Letter</u> <i>From Defendant dated 8/16/2019</i>
08/22/2019	<u>Letter</u> <i>To County Clerk from Defendant 8/22/2019</i>
08/23/2019	<u>Letter</u> <i>From Kerr County Clerk's Office to Defendant dated 8/23/2019</i>
08/23/2019	<u>Letter</u> <i>To County Clerk From Defendant dated 8/16/19</i>
08/29/2019	<u>Letter</u> <i>From Defendant dated 8/25/2019</i>
09/04/2019	<u>Letter</u> <i>To Defense Attorney From Defendant dated 8/25/2019</i>
09/09/2019	<u>Letter</u> <i>From Defendant dated 8/29/2019</i>
09/11/2019	<u>Letter</u> <i>Copy To Judge Williams From Defendant</i>
09/23/2019	<u>Letter</u> <i>From Defendant dated 9/17/2019</i>
09/23/2019	<u>Letter</u> <i>From Defendant To Judge</i>
09/23/2019	<u>Letter</u> <i>from Defendant.</i>
09/30/2019	<u>Letter</u> <i>From Defendant dated 9/27/2019</i>
10/01/2019	<u>Letter</u> <i>From Defendant dated 9/27/2019</i>
10/03/2019	<u>Motion To Withdraw As Counsel</u>
10/03/2019	<u>Order</u> <i>to Withdraw as Counsel</i>
10/10/2019	<u>Motion</u> <i>to Disqualify Counsel - Defendant's Response sent to CA 10/24/2019</i>
10/17/2019	<u>Motion</u> <i>to Disqualify as Counsel - Defendant's Response sent to CA 10/24/2019</i>
10/15/2019	<u>Motion</u> <i>to Disqualify Counsel -Defendant's Response sent to CA 10/24/2019</i>
10/15/2019	<u>Letter</u> <i>on Motion to Disqualify Counsel</i>
10/22/2019	<u>Response</u> <i>to Motion to Withdraw as Counsel - Unopposed</i>
10/24/2019	<u>Order</u> <i>on Unopposed Motion to Withdraw as Counsel</i>
10/25/2019	<u>Letter</u> <i>from Judge on Motion to Disqualify Counsel</i>
10/31/2019	<u>Letter</u> <i>from Def. asking for another request. Emailed to County Attorney Office.</i>
11/18/2019	<u>Letter</u> <i>to Ashley Wamix</i>

## FINANCIAL INFORMATION

Defendant Adams, Russell Scott	1,197.00
Total Financial Assessment	0.00
Total Payments and Credits	1,197.00
Balance Due as of 11/23/2019	
07/25/2016 Transaction Assessment	10.00
07/29/2016 Transaction Assessment	10.00
07/29/2016 Transaction Assessment	10.00
07/29/2016 Transaction Assessment	5.00
12/15/2016 Transaction Assessment	252.00
01/03/2017 Transaction Assessment	910.00

Fines and Conviction  
still public record  
as of 11/23/2019

**REGISTER OF ACTIONS**CASE No. CR160667**The State of Texas vs. Russell Scott Adams**§  
§  
§  
§Case Type: Adult Misdemeanor  
Date Filed: 07/19/2016  
Location:**PARTY INFORMATION****Court Reporter**Rode, Kelly  
Court Reporter for Kerr County Court At Law  
700 Main St., Ste. 123  
Kerrville, TX 78028**Attorneys**Defendant Adams, Russell Scott  
TDCJ Alfred Hughes Unit  
3201 FM 929  
Gatesville, TX 76597Male White  
5' 10", 180 lbsState The State of Texas

Other

Heather Stebbins  
830-792-2220(W)  
830-792-2228(F)  
hstebbins@co.kerr.tx.us**CHARGE INFORMATION**Charges: Adams, Russell Scott  
1. RESIST ARREST SEARCH OR TRANSPORT Statute 38.03(a) Level Class A Misdemeanor Date 06/11/2016**EVENTS & ORDERS OF THE COURT****OTHER EVENTS AND HEARINGS**

06/21/2016	<u>Affidavit Of Surety To Discharge Liability By Surrender Or I</u>
06/29/2016	<u>Order Appointing Counsel</u> Ferguson
07/12/2016	<u>Request for Discovery</u>
07/19/2016	<u>Complaint &amp; Information Filed</u>
07/26/2016	<u>Certificate of Written Discovery</u>
09/27/2016	<u>Affidavit Of Surety To Discharge Liability By Surrender Or I</u>
10/04/2016	<u>Arraignment (9:00 AM) (Judicial Officer Harris, Susan)</u> Arraignment (9:00 AM) (Judicial Officer Harris, Susan) <i>False record.</i>
10/11/2016	<u>Jail Docket (9:30 AM) (Judicial Officer Harris, Susan)</u> Result: Reset
11/14/2016	<u>Notice Of Release From Jail</u>
12/13/2016	<u>CANCELED Review Hearing (9:00 AM) (Judicial Officer Harris, Susan)</u> Continued
01/03/2017	<u>Attorney Time Sheet</u> <i>Harris ruled on post-conviction fees for Ferguson.</i>
03/28/2017	<u>Review Hearing (1:30 PM) (Judicial Officer Harris, Susan)</u> Result: Continued
07/25/2017	<u>Review Hearing (1:30 PM) (Judicial Officer Harris, Susan)</u> Result: Reset
07/26/2017	<u>Letter</u> From Defendant
09/06/2017	<u>Letter</u> From County Clerk's Office mailed 9/6/2017
01/23/2018	<u>Review Hearing (9:00 AM) (Judicial Officer Harris, Susan)</u> Per Email Sent from CA's Office; sent on 3/1/2018
03/12/2018	<u>Returned by USPS</u> USPS needs TDC#/Unable to forward.
07/30/2018	<u>Review Hearing (9:00 AM) (Judicial Officer Harris, Susan)</u>
08/02/2018	<u>Letter</u> From CA Office to Defense Atty - PIA
08/13/2018	<u>Letter</u> From Defendant
09/10/2018	<u>Letter</u> From Defendant
10/09/2018	<u>Letter</u> From Defendant Dated 10/04/2018
06/28/2019	<u>Letter</u> From Defendant Received 6/28/2019 Mailed information requested 7/11/2019
07/18/2019	<u>Letter</u> From Defendant dated 7/14/2019
07/19/2019	<u>Letter</u>

11/23/2019

courts.co.kerr.tx.us/CaseManagement/PublicAccess/CaseDetail.aspx?CaseID=4284446

To County Attorney From Defendant

07/25/2019 Letter

To District Clerk From Defendant dated 7/14/2019

08/14/2019 Motion

For Appointment Of Counsel - Defendant's

08/15/2019 Response

On Motion For Appointment Of Counsel - Unopposed

08/22/2019 Letter

From Defendant dated 8/16/2019

08/22/2019 Letter

To County Clerk from Defendant

08/23/2019 Letter

From County Clerk's Office to Defendant dated 8/23/2019

08/23/2019 Letter

To County Clerk From Defendant dated 8/16/2019

08/29/2019 Letter

Letter

To Defense Attorney From Defendant dated 8/25/2019

09/09/2019 Letter

From Defendant dated 8/39/2019

09/23/2019 Letter

From Defendant dated 9/26/2019

09/23/2019 Letter

From Defendant To Judge dated 9/17/2019

09/23/2019 Letter

from Defendant.

09/30/2019 Letter

From Defendant dated 9/27/2019

09/30/2019 Letter

From Defendant dated 9/27/2019

10/03/2019 Motion To Withdraw As Counsel

10/03/2019 Order

On Motion to Withdraw as Counsel

10/10/2019 Motion

to Disqualify Counsel Sent to CA 10/24/2019

10/11/2019 Motion

to Disqualify as Counsel - Defendant's Response sent to CA 10/24/2019

10/15/2019 Motion

to Disqualify Counsel -Defendant's Response sent to CA 10/24/2019

10/15/2019 Letter

on Motion to Disqualify Counsel

10/22/2019 Response

Unopposed - Defendant's Motion to Withdraw as Counsel

10/24/2019 Order

on Motion to Withdraw as Counsel - Unopposed

10/25/2019 Letter

from Judge on Motion to Disqualify Counsel

10/31/2019 Letter

from Def. asking for another request. Emailed to County Attorney Office.

11/18/2019 Letter

to Ashley Wamix

## FINANCIAL INFORMATION

Defendant Adams, Russell Scott  
 Total Financial Assessment  
 Total Payments and Credits  
 Balance Due as of 11/23/2019

07/25/2016 Transaction Assessment  
 07/29/2016 Transaction Assessment  
 07/29/2016 Transaction Assessment  
 07/29/2016 Transaction Assessment  
 12/15/2016 Transaction Assessment  
 12/19/2016 Transaction Assessment

787.00  
 0.00  
 787.00

10.00  
 10.00  
 10.00  
 5.00  
 252.00  
 500.00

Fines

Cause No. CR160667

THE STATE OF TEXAS

§  
§  
§  
§  
§

V.

IN THE COUNTY COURT AT LAW

OF

RUSSELL SCOTT ADAMS

KERR COUNTY, TEXAS

## MOTION TO DISMISS

Offense RESIST ARREST SEARCH OR TRANSPORTDate of Offense 06/11/2016

NOW COMES the State of Texas, by and through her Assistant Kerr County Attorney, and respectfully requests the court to dismiss:

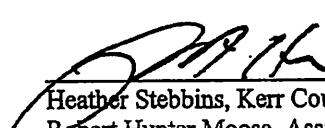
the above-entitled and -numbered cause.  
 Count(s) \_\_\_\_\_ of the above-entitled and -numbered cause  
 the Motion to Revoke in the above-entitled and -numbered cause  
 the Motion to Adjudicate in the above-entitled and -numbered cause

for the following reason:

Justice cannot be served through further proceedings in this matter.  
 Due to the age of this case, the State believes that it is in the interest of justice to dismiss.  
 Defendant has been convicted on another case, Cause No.(s) \_\_\_\_\_.  
 Defendant pled guilty to Count(s) \_\_\_\_\_ of the above-entitled and -numbered cause.  
 Defendant has paid full restitution in this matter.  
 Defendant has completed the Focus Course.  
 Defendant is presently incarcerated in TDCJ.  
 Defendant is deceased.  
 Defendant has provided a true copy of a valid prescription.  
 Defendant has been found incompetent.  
 Defendant has never been arrested on the warrant.  
 This case has been re-filed \_\_\_\_\_.  
 Complaining witness no longer wishes to prosecute.  
 Complaining witness is no longer available for trial or is missing or is deceased.  
 The case has not been processed.  
 This offense was taken into account in determining sentence in Cause No. \_\_\_\_\_ in the \_\_\_\_\_ Court of Kerr County, Texas, pursuant to Section 12.45, Texas Penal Code.  
 Although there is sufficient evidence to support probable cause, there is not, after further investigation, sufficient evidence to support a conviction, or a conviction under these facts would be highly unlikely.  
 Other: Defendant in TDCJ on Stacked Sentences

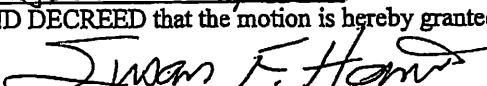
WHEREFORE, it is prayed that the above-entitled and -numbered cause be dismissed.

Date 12/13/22

  
 Heather Stebbins, Kerr County Attorney SBN 24046603  
 Robert Hunter Moose, Assistant County Attorney, SBN 24089840  
 Jason Sorensen, Assistant County Attorney, SBN 24110388

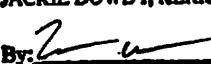
ORDER

The foregoing motion having been presented to me on December 13, 2022, and the same having been considered, IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the motion is hereby granted.

  
 SUSAN F. HARRIS, Judge Presiding

Cc: Agency AND Case No. Kerrville Police Department KPD 1601894/  
 Kerr County Attorney/  
 Defendant/  
 Defendant's Attorney, (Weston Eismann)/  
 Surety on Defendant's Bond, if any

Filed 13 Day of Dec A.D. 2022 3:30  
 JACKIE DOWDY, KERR CO. CLERK TIME 3:30

By:  Deputy

Cause No. CR160666

THE STATE OF TEXAS

V.

RUSSELL SCOTT ADAMS

IN THE COUNTY COURT AT LAW  
OF  
KERR COUNTY, TEXAS  
MOTION TO DISMISSOffense INTERFER W/PUBLIC DUTIES Date of Offense 06/11/2016

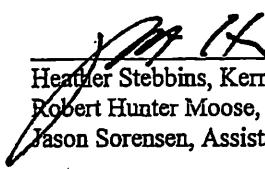
NOW COMES the State of Texas, by and through her Assistant Kerr County Attorney, and respectfully requests the court to dismiss:

the above-entitled and -numbered cause.  
 Count(s) \_\_\_\_\_ of the above-entitled and -numbered cause  
 the Motion to Revoke in the above-entitled and -numbered cause  
 the Motion to Adjudicate in the above-entitled and -numbered cause

for the following reason:

Justice cannot be served through further proceedings in this matter.  
 Due to the age of this case, the State believes that it is in the interest of justice to dismiss.  
 Defendant has been convicted on another case, Cause No.(s) \_\_\_\_\_  
 Defendant pled guilty to Count(s) \_\_\_\_\_ of the above-entitled and -numbered cause.  
 Defendant has paid full restitution in this matter.  
 Defendant has completed the Focus Course.  
 Defendant is presently incarcerated in TDCJ.  
 Defendant is deceased.  
 Defendant has provided a true copy of a valid prescription.  
 Defendant has been found incompetent.  
 Defendant has never been arrested on the warrant.  
 This case has been re-filed \_\_\_\_\_.  
 Complaining witness no longer wishes to prosecute.  
 Complaining witness is no longer available for trial or is missing or is deceased.  
 The case has not been processed.  
 This offense was taken into account in determining sentence in Cause No. \_\_\_\_\_ in the \_\_\_\_\_ Court of Kerr County, Texas, pursuant to Section 12.45, Texas Penal Code.  
 Although there is sufficient evidence to support probable cause, there is not, after further investigation, sufficient evidence to support a conviction, or a conviction under these facts would be highly unlikely.  
 Other: Defendant in TDCJ on Stacked Sentences

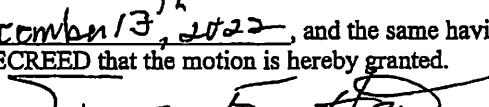
WHEREFORE, it is prayed that the above-entitled and -numbered cause be dismissed.

Date 11/13/22


Heather Stebbins, Kerr County Attorney SBN 24046603  
 Robert Hunter Moose, Assistant County Attorney, SBN 24089840  
 Jason Sorensen, Assistant County Attorney, SBN 24110388

ORDER

The foregoing motion having been presented to me on December 13, 2022, and the same having been considered, IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the motion is hereby granted.



SUSAN F. HARRIS, Judge Presiding

Cc: Agency AND Case No. Kerrville Police Department  
 Kerr County Attorney  
 Defendant  
 Defendant's Attorney, (Weston Eismann)  
 Surety on Defendant's Bond, if any

Filed 13 Day of DEC A.D. 2022  
 JACKIE DOWDY, KERR CO. CLERK TIME 3:20

By:  Deputy

DEFENDANTS AND THEIR ADDRESSES:

Jesse Baldwin. J. Gonzales. Kris Keller. Austin Beal. Allison Baker. Kerrville Police Chief, and Kerrville Police Department are all located at 429 Sidney Baker. Kerrville. TX 78028. This is their place of employment. (830) 257-8181

~~Kerr County~~. Kerr County Hospital district. Hospital Board Member #1 - #4. Peterson Regional Medical Center, Nurse Shane. Unknown PRMC Nurse #1. Unknown PRMC Staff #1 - #5. and PRMC Superintendent are located at 551 Hill Country Dr.. Kerrville. TX 78028. This is their place of employment. Some complete names are not known at this time due to the circumstances and if they can not be served more information will be given after discovery.

Judge Rex Emerson. Judge Susan Harris. Heather Stebbins. Jackline Dowdy. Anita Van Klaveren. Nivia Cruses, Shelley Parker. Ana Keller. Hollie Mouser. Terry Ranev. Brian Dub. Diane Rodriguez. Rolando Valverde, Janice Smith. Natasha Valdez. Rhiana Solis, Rebecca Bolin, and Kerr County are located at 700 Main Street. Kerrville. TX 78028. This is their place of employment. (830) 792-2290

Brett Ferguson SBN 24040889 is located at 327 Earl Garrett. Suite 104. Kerrville. TX 78028

Weston Eismann is located at 550 Earl Garrett. Kerrville. TX 78028

Scott Monroe SBN 14272700 is located at 717 Sidney Baker. P.O. Box 291285. Kerrville. TX 78029

Elizabeth Smith is located at 129 Terrace Lane. Kerrville. TX 78028. TDI 22688947 DOB 9/28/1963 (830) 258-7823

Jessica Adams is located at 161 Four Sisters LN. Medina. TX 78055, TDI 09861864 DOB 11/25/1988 (830) 460-0734

Buster Baldwin is the father of Jesse Baldwin to whom I could not get the address and if you are unable to find and serve him I will have this address through discovery.

Evin Anderson is Border Patrol for the United States of America to whom I could not get the address and if you are unable to serve him I will have this address through discovery.

PREVIOUS CASES OR FINDINGS:

The plaintiff has never filed a law suit in Federal court and therefore has no sanctions against him nor has he offended the 3 strike rule of the BIA.

ADMINISTRATIVE REMEDY:

As stated in the complaint the plaintiff is not attacking the condition of his confinement or the sentence length. He neither has exhausted any administrative remedy because he is presenting claims that happened prior to his incarceration. therefore it is not required as a matter of law.